

STYLE OF

CASE : **MARTINA PENA, INDIVIDUALLY ET AL**

**VS.**

**STARR COUNTY, TEXAS  
EVELARIO GARZA AND UBALDO SUAREZ**

CASE NO. : **7:22-CV-276**

PERTAIN TO : **Investigation #2020I-TRD-50058340 and/or Alberto Pena**

CLIENT MATTER NO:

FROM : **TEXAS DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF GENERAL COUNSEL**

**P.O. BOX 4087**

**AUSTIN, Texas, 78773-0140  
Investigation File**

DELIVER TO : **Ricardo J. Navarro  
Denton, Navarro, Rocha, Bernal & Zech  
701 E. Harrison, Suite 100  
Harlingen, TX 78550**

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE SOUTHERN DISTRICT OF TEXAS**

**MCALLEN DIVISION**

**The taxable cost of \$ 414.44 was charged to Attorney for Defendant, TBA # 14829100**

Order No. **99582.001**

# United States District Court

FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

MARTINA PENA, INDIVIDUALLY ET AL

VS.

Civil Action No: 7:22-CV-276

STARR COUNTY, TEXAS  
EVELARIO GARZA AND UBALDO SUAREZ

TO: Custodian of Records for: TEXAS DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF GENERAL COUNSEL  
P.O. BOX 4087  
AUSTIN, TX 78773-0140 512-424-2890

☒ Production: YOU ARE COMMANDED to produce at the time, date and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Any and all documents pertaining to the investigation performed by the Texas Rangers regarding Alberto Pena and Investigative #: 2020I-TRD-50058340, including findings and conclusions.

PLACE:	DATE AND TIME
OFFICE OF GENERAL COUNSEL The office of the custodian: P.O. BOX 4087 AUSTIN, TX 78773-0140	Instantner

☐ Inspection: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE	DATE AND TIME

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/16/2023

Clerk of Court

OR

Signature of Clerk or Deputy Clerk

/s/ Ricardo J. Navarro  
Attorney's Signature

The name, address, email address, and telephone number of the attorney representing (name of party) Starr County, Texas, et al, who issues or requests this subpoena, are:

Ricardo J. Navarro  
Denton, Navarro, Rocha, Bernal & Zech  
701 E. Harrison, Suite 100, Harlingen, TX 78550

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Order No. 99582.001

Estate of Alberto Pena v Starr Co et al  
Exhibits to Def Starr Co's Rsp to Pltfs RFP

000608

Civil Action No: 7:22-CV-276

**PROOF OF SERVICE**

(This section should not be filed with court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any) \_\_\_\_\_  
on (date) \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the name person as follows: \_\_\_\_\_  
\_\_\_\_\_ on (date) \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_ Server's Signature: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Server's Address: \_\_\_\_\_  
\_\_\_\_\_

Additional information regarding attempted service, etc:

Order No. 99582.001

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.**

These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

MARTINA PENA, INDIVIDUALLY ET AL

VS.

STARR COUNTY, TEXAS  
EVELARIO GARZA AND UBALDO SUAREZ

CIVIL ACTION NO. 7:22-CV-276

**WAIVER OF NOTICE**

Our client, Ricardo J. Navarro, has commissioned Republic Services San Antonio LLC to obtain records on Investigation #20201-TRD-50058340 and/or Alberto Pena from the following custodian for use in the above referenced case.

IF COPIES ARE DESIRED, PLEASE INDICATE BELOW BY MARKING Y OR N. Original records will be held inhouse for 30 days. Copies may not be available after that time.

☒ 1 TEXAS DEPARTMENT OF PUBLIC SAFETY (Investigation File)  
Hard Copy \_\_\_\_\_ Electronic \_\_\_\_\_ email: Rachel@scottpalmerlaw.com

I agree that I and/or my firm will be responsible for payment of the copies of records ordered on this waiver. I acknowledge that invoices are due and payable within 30 days of receipt and that actions for collection of services are performable and payable in County, Texas.

☒ I DO AGREE TO WAIVE THE NOTICE PERIOD.  
☐ I DO NOT AGREE TO WAIVE THE NOTICE PERIOD.

Dated: May 16, 2023

Signed \_\_\_\_\_

James P. Roberts  
Scott H. Palmer, P.C.  
15455 Dallas Parkway, Suite 540  
Addison, TX 75001  
214-987-4100 Fax 214-922-9900  
Attorney for Plaintiff  
SBA # 00797196

Please Return To: Republic Services San Antonio LLC  
12108 Radium Street  
San Antonio, TX 78216  
210-298-6300 Fax 210-298-6303  
Christina Escamilla (cescamilla@republic-services.com)

NOTE: RETURN OF THIS FORM IS REQUIRED WITHIN FOURTEEN (14) DAYS TO PROCESS YOUR REQUEST. ANY CANCELLATION OF THE ABOVE MUST BE IN WRITING. IF THE RECORDS HAVE ALREADY BEEN COPIED AND FEES INCURRED, THEN BILLING WILL BE PRORATED ACCORDINGLY.

Order No. 99582

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

MARTINA PENA, INDIVIDUALLY ET AL

VS.

STARR COUNTY, TEXAS

EVELARIO GARZA AND UBALDO SUAREZ

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CIVIL ACTION NO. 7:22-CV-276

NOTICE OF INTENTION  
TO TAKE DEPOSITION BY WRITTEN QUESTIONS

To Plaintiff by and through their attorney(s) of record: James P. Roberts (Scott H. Palmer, P.C.)

To other party/parties by and through their attorney(s) of record:

You will please take notice that fourteen (14) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of Custodian of Records for:

TEXAS DEPARTMENT OF PUBLIC SAFETY (Investigation File)

OFFICE OF GENERAL COUNSEL

P.O. BOX 4087

AUSTIN, TX 78773-0140

before a Notary Public for Republic Services San Antonio LLC, 12108 Radium Street, San Antonio, TX 78216,  
210-298-6300 Fax 210-298-6303

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 45, Federal Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to:

Investigation #2020I-TRD-50058340 and/or Alberto Pena

and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

/s/ Ricardo J. Navarro

Ricardo J. Navarro

Denton, Navarro, Rocha, Bernal & Zech

701 E. Harrison, Suite 100

Harlingen, TX 78550

956-421-4904 Fax 956-421-3621

Attorney for Defendant

SBA # 14829100

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all Counsel of Record by hand delivery, FAX, and/or certified mail, return receipt requested, on this day.

Dated: 5/16/2023

by Monica Salvan

99582

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

MARTINA PENA, INDIVIDUALLY ET AL

VS.

STARR COUNTY, TEXAS

EVELARIO GARZA AND UBALDO SUAREZ

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CIVIL ACTION NO. 7:22-CV-276

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Custodian of Records for: TEXAS DEPARTMENT OF PUBLIC SAFETY

Records Pertaining To: Investigation #2020I-TRD-50058340 and/or Alberto Pena

Type of Records: Any and all documents pertaining to the investigation performed by the Texas Rangers regarding Alberto Pena and Investigative #: 2020I-TRD-50058340, including findings and conclusions.

1. State your full name, address and occupation.

Answer: Donato E. Uela, Texas Ranger 515 FM 3167 Rio Grande  
TX. 78582

2. Are you able to identify these records as the originals or true and correct copies of the originals?

Answer: Yes.

3. Were these records made and kept in the regular course of business?

Answer: Yes.

4. In the regular course of business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information from sources who have such personal knowledge to make such records?

Answer: Yes.

5. Are these records under your care, supervision, directions, custody or control?

Answer: Yes.

6. Are these records made at a time closely related to or simultaneous with the occurrence recorded on these records?

Answer: Yes.

99582.001

7. Were these records kept as described in the previous questions?

Answer: Yes.

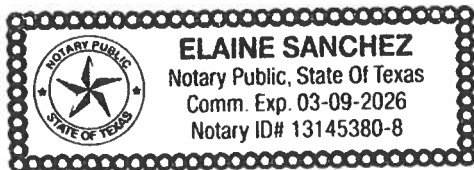
8. Please gather any and all of such records together and deliver same to the officer taking your deposition for inspection and photocopying. (This will be at no expense to you, and the officer will return the original records to you after they have been both inspected and copied.) Have you done as requested? If not, why not?

Answer: Yes.

  
WITNESS (Custodian of Records)

Befere me, the undersigned authority, on this day personally appeared Donato E. Kela, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this 15th day of June, 2023.



  
NOTARY PUBLIC

My Commission Expires: 3/09/2026

99582.001



MARTINA PENA, INDIVIDUALLY ET AL  
VS.  
STARR COUNTY, TEXAS  
EVELARIO GARZA AND UBALDO SUAREZ

: IN THE UNITED STATES DISTRICT COURT  
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: MCALLEN DIVISION

NOTICE OF DELIVERY

RE: TEXAS DEPARTMENT OF PUBLIC SAFETY (Investigation File)

I, Christina Escamilla, Notary Public in and for the State of Texas, hereby certify pursuant to the Rule 203, Texas Rules of Civil Procedure,

1. That this Deposition by Written Questions of **Donato Vela**, the Custodian of Records for the above named is a true and exact duplicate of the records pertaining to **Investigation #2020I-TRD-50058340 and/or Alberto Pena**;
2. That the transcript is a true record of the testimony given by the witness;
3. That \$ **414.44** is the charge for the preparation of the completed Deposition by Written Questions and any copies of exhibits, charged to Attorney for **Defendant, Ricardo J. Navarro, TBA # 14829100**;
4. That the deposition transcript was submitted on the **06/15/2023 9:00AM** to the witness for examination, signature and return to the officer by a specified date;
5. That changes, if any made by the witness, in the transcript and otherwise are attached thereto or incorporated therein;
6. That the witness returned the transcript;
7. That the original deposition by Written Questions and a copy thereof, together with copies of all exhibits was delivered to the attorney or party who Noticed the first questions for safekeeping and use at trial;
8. That pursuant to information made a part of the records at the time said testimony was taken, the following includes all parties of record:


**James P. Roberts (Scott H. Palmer, P.C.)**  
**Ricardo J. Navarro (Denton, Navarro, Rocha, Bernal & Zech)**

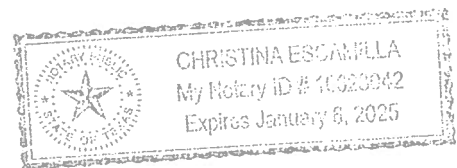
and

9. A copy of this Notice of Delivery was served on all parties shown herein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE: August 3, 2023.

Republic Services San Antonio LLC  
12108 Radium Street  
San Antonio, TX 78216  
210-298-6300 Fax 210-298-6303

  
Notary Public in and for the State of Texas



99582.001



**TEXAS DEPARTMENT OF PUBLIC SAFETY**  
PO BOX 4087 AUSTIN TX 78773-0600  
**TEXAS RANGERS**



STEVEN C. McCRAW  
DIRECTOR  
FREEMAN F. MARTIN  
DWIGHT D. MATHIS  
JEFF WILLIAMS  
DEPUTY DIRECTORS

COMMISSION  
STEVEN P. MACH, CHAIRMAN  
NELDA L. BLAIR  
LARRY B. LONG  
STEVE H. STODGHILL  
DALE WAINWRIGHT

June 16, 2023

Republic Services San Antonio LLC  
12108 Radium Street  
San Antonio, Texas 78216

To whom it may concern:

Please find all responsive records pertaining to the requested Federal Civil Subpoena, Texas Ranger investigation 2020I-TRD-50058340, regarding Alberto Pena.

Please take note the records provided are duplicates of the original Texas Ranger report, with exception of confidential information, which was redacted.

# Albert Pena Info.

Print Date AUG-13-20 04:54 PM  
User HLOPEZ

STARR COSO  
Arrest Register

PRELIMINARY INFORMATION

Page 1 of 1

Arrestee  
ALBERTO PENA

ATN 140012013103

ARRESTEE DATA

Last Name First Middle  
PENA ALBERTO



Race Sex DOB Ethnicity Hair Eyes Height Weight  
W M 02/15/1990 HISP BRO BRO 5 ft. 11 in. 265

Arrestee Address  
48 FRESNO CIRCLE RIO GRANDE CITY, TX 78582

SSN License SID CCN  
309080699 734177

ALIAS Name (last,first,middle,suffix), ALIAS Sex, Race, DOB

Birth State Nationality  
TX US

ARREST DATA

Location of Arrest  
100 E 6TH STREET RIO GRANDE CITY TX

Arrest Date & Time  
08/13/2020 16:49

Cross Street

Grid

Arresting Officer's Name 1  
JORGE. A GUERRA

Officer's PR #

Unit

Arresting Officer's Name 2

Officer's PR #

Credit

Transporting Officer's Name  
JORGE. A GUERRA

Trans. Officer's PR #

Credit Description

CHARGES

Item Number	S/A/W	Type	Charge Code	Charge Title	Instant Charge
		MB	29990042	CRIMINAL MISCHIEF >=\$100<\$750	Y

REMARKS



Listed below is the list of Prohibited Acts in this Jail Facility. Any violations will be cause of disciplinary action/or criminal.

1. Misuse or saving of authorized medication.
2. Possession of property belonging to another.
3. Possession of unauthorized clothing.
4. Insolence towards any deputy or staff member.
5. Failure to follow sanitation or safety standards.
6. Passing or receiving contraband from or to another inmate.
7. Using the intercom for reasons other than emergencies.
8. No smoking.
9. Using abusive or obscene language or gestures towards any deputy or staff member.
10. Unauthorized use of mail or telephones.
11. Possession of tattooing paraphernalia or tattooing.
12. Indecent exposure.
13. Mutilating destroying, altering or damaging issued clothing, mattresses, bedding or property of another inmate or the county of Starr.
14. Conduct which disrupts or interferes with the orderly running of the jail.
15. Assaulting or fighting another person.
16. Engaging in sexual acts or making sexual proposals to others.
17. Tempering with or blocking any locking device or door system.
18. Possession of, introduction or use of any narcotics, narcotic paraphernalia, drugs or intoxicants or imitations thereof not prescribed for the individual by medical staff.
20. Gambling
21. Lying to or providing a false statement to a deputy or staff member.

Listed below are instructions and services that are available to you while you are confined in the Starr County Jail.

1. You may mail as many letters as you desire to whomever you desire, if you have funds available to buy stamps and writing materials. If you are indigent, you will receive 3 stamps and envelopes per week.
2. You may receive any letters mailed to you, but will permitted to retain only enough letters in your cell that will not constitute a fire hazard.
3. Inflammatory writing or hard-core pornography will be rejected; any publication must be approved by the jailor on duty.
4. Visitation will be Wednesday, Fridays, Saturdays and Sunday depending on the cell you are placed in.
5. Telephones are available in the cells on a collect call basis.
6. Commissary is available from Mondays to Thursdays.
7. Upon medical request, medical and dental services are available to you require attention. Notify the Jailer on duty.
8. You are expected to eat the food provided by the jail. Food cannot be mailed to you brought to you. Food will not be stored in cells or dayrooms as doing so attracts vermin.
9. Grievance Procedures are available for a violation of a right of privilege by a member of this Department.

NOTE: Any inmate who file a grievance which provides to be a false or a lie shall be subject to disciplinary action. All grievances shall be in writing, addressed to the Grievance officer. By signing this paper you are agreeing to the rules of this facility.

(X) A. J.



STARR COUNTY JAIL  
VISIT LIST

DATE / FECHA: 08/13/20

INMATE'S NAME / NOMBRE DEL PRESO: Pena, Alberto

CELL / CELDA: \_\_\_\_\_

PLEASE GIVE THE NAMES OF THE PERSON YOU WANT VISIT WITH.  
FAVOR DE DAR LOS NOMBRES DE LAS PERSONAS QUE TE VISITEN.

NAME / NOMBRE:

RELATION / RELACION:

1. \_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

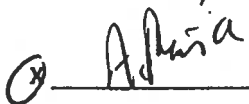
4. \_\_\_\_\_

\_\_\_\_\_

5. \_\_\_\_\_

\_\_\_\_\_

INMATE SIGNATURE / FIRMA DEL PRESO:



APPROVED BY:

DATE: 08/13/20

\_\_\_\_\_  
CAPT. J.H. DORIA

\_\_\_\_\_  
LT. J. RODRIGUEZ



**ACKNOWLEDMENT OF PERSONAL PROPERTY NOT CLAIMED**  
**WITHIN 30 DAYS**

Please be advised that the **STARR COUNTY JAIL, STARR COUNTY, TEXAS** is not responsible for any property that is not claimed within the 30 days from the day you are released from the Starr County Jail.

You will be given an opportunity to have all property transferred to your attorney or a relative while incarcerated at the Starr County Jail.

Any property, which is not claimed, will be disposed of within 30 days. This property will be considered abandoned and will be destroyed or otherwise disposed of by the Starr County Jail.

X                       
(Inmate) Signature

Joel Gomo  
Booking Officer Signature

\_\_\_\_\_  
Witness Signature

08/13/20  
Date Signed

08/13/20  
Date Signed

\_\_\_\_\_  
Date Signed

RENE "ORTA" FUENTES  
SHERIFF

LARRY FUENTES  
CHIEF DEPUTY



102 EAST 6th STREET  
PHONE: (956) 487- 5571  
FAX NUMBER: (956) 487- 0021  
RIO GRANDE CITY, TEXAS 78582

CARLOS DELGADO  
MAJOR

JOSE R. MOLINA JR.  
CAPTAIN

J. HECTOR DORIA  
JAIL ADMINISTRATOR

### ACKNOWLEDGMENT OF PROHIBITED ACTS AND SERVICES

Please be advised that the STARR COUNTY JAIL, STARR COUNTY, TEXAS requires your acknowledgment of prohibited acts in this facility. Any violations will be cause for disciplinary actions and or criminal prosecution.

The STARR COUNTY JAIL, STARR COUNTY, TEXAS also requires your acknowledgment of instructions and services that are available to you while you are confined to the STARR COUNTY JAIL.

### RECONOCIMIENTO DE ACTOS Y SERVICIOS PROHIBIDOS

Esta avisado que la STARR COUNTY JAIL, STARR COUNTY TEXAS. require su reconocimiento de actos prohibidos en esta institution. Cualquier violacion de las reglas sera causa para accion disciplinaria o prosecution criminal.

La STARR COUNTY JAIL, STARR COUNTY, TEXAS tambien requiere su reconocimiento de instrucciones y servicios que estan disponibles mientras estan en esta institucion.

X                     

Inmate signature

08/13/20

Date

Joel Corzo

Booking officer

08/13/20

Date



**NO MONEY ORDER WILL BE ACCEPTED  
THAT ECEEDS THE INMATE ACCOUNT  
ABOVE \$500.00**

**NINGUN GIRO SE ACEPTARA SI PASA EL  
LIMITE DE \$500.00 DE LA CUENTA DEL  
REO.**

☒ AP

**PLEASE BE ADVISED ALL CALLS  
ARE BEING MONITORED AND  
RECORDED.**

**SE LE AVISA QUE LAS LLAMADAS  
SE ESTAN MONITORIANDO Y  
GRABANDO.**

 \_\_\_\_\_

1. **NO writing or carving on walls or windows is permitted including gang affiliation symbols.**
2. **NO magazine or personal pictures are allowed on the walls.**
3. **NO light fixtures or windows will be covered.**
4. **NO personal washing of clothes will be permitted in sinks or commodes.**

- 1. NO se permite ningun tipo de pintados o rayones en las paderes o ventanas eso es incluyendo simbolos afiliados con gangas.**
- 2. NO se permite ningun tipo de fotos de magazine o personales pegadas en las paredes.**
- 3. NO se permite tapar las instalaciones de luces o ventanas .**
- 4. NO se permite lavar ropa interior en los lavamanos o servicios sanitarios.**

0008

Inmate Name: Pena, Alberto

Booking Number: \_\_\_\_\_

Date: 08/13/20

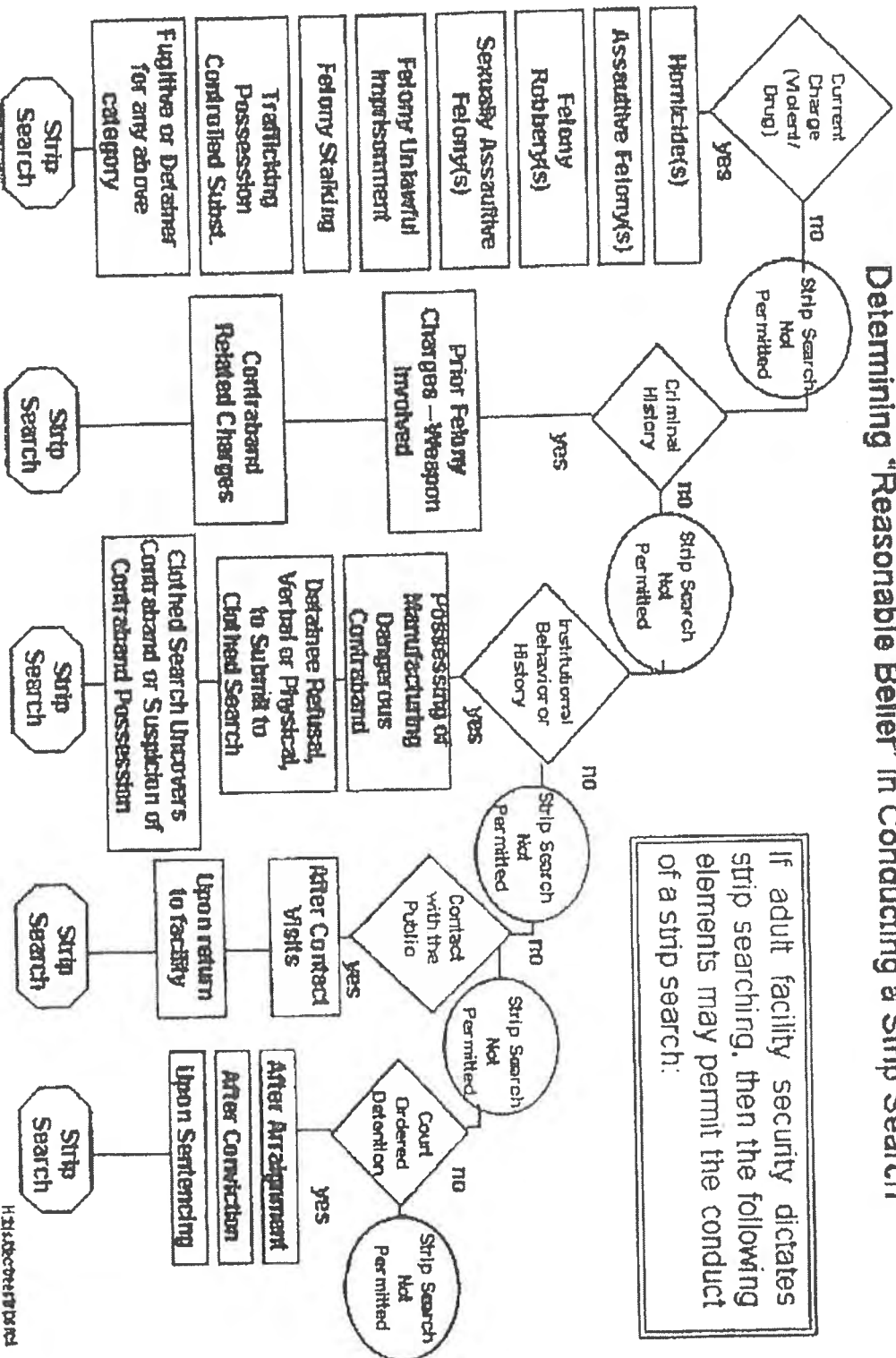
INMATE SIGNATURE AP

OFFICER SIGNATURE Joe Carr

# DECISION TREE

## Determining "Reasonable Belief" in Conducting a Strip Search

If adult facility security dictates strip searching, then the following elements may permit the conduct of a strip search:



STARR COUNTY DETENTION  
GANG AFFILIATION (SELF ADMISSION) FORM

INMATE NAME: Pena, Alberto

STREET NAME/ALIAS: N/A

STREET/PRISON GANG NAME: \_\_\_\_\_

S.S.#: \_\_\_\_\_ DOB: \_\_\_\_\_ AGE: \_\_\_\_\_ SEX: \_\_\_\_\_

RACE: \_\_\_\_\_ HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_ HAIR: \_\_\_\_\_ EYES: \_\_\_\_\_

GANG RELATED TATTOOS: \_\_\_\_\_

PRISON GANG RIVALS: \_\_\_\_\_

HAVE YOU EVER BELONGED TO ANY OTHER GANG? \_\_\_\_\_  
IF YES, PLEASE LIST: \_\_\_\_\_

HAVE YOU EVER BEEN IDENTIFIED AS A GANG MEMBER IN  
PRISON? \_\_\_\_\_ IF YES, WHAT FACILITY? \_\_\_\_\_  
STATE \_\_\_\_\_ FEDERAL \_\_\_\_\_ YEAR \_\_\_\_\_

ON THE ABOVE MENTIONED DATE, THE SUBJECT WAS INTERVIEWED AND  
QUESTIONED WITH REGARDS TO STREET/PRISON GANG INFORMATION. SUBJECT  
ADMITS TO BEING A MEMBER OF THE ABOVE MENTIONED GANG. SUBJECT ADMITS  
TO THIS ADMISSION ON SUBJECT'S OWN FREE WILL AND ACCORDING TO SUBJECT  
ALSO ADMITS THAT SUBJECT HAS NOT BEEN COERCED IN ANY MATTER BY ANYONE.  
SUBJECT ALSO UNDERSTANDS THAT THIS ACKNOWLEDGMENT(OR ADMISSION) OF  
GANG AFFILIATION WILL BECOME PART OF THE SUBJECTS RECORD.

INMATE SIGNATURE: X [Signature] DATE: 08/13/20

BOOKING OFFICER: J. Garcia DATE: 08/13/20

SHIFT SUPERVISOR: [Signature] DATE: \_\_\_\_\_

# STARR COUNTY DETENTION CENTER BOOKING CARD

I.D. NO. 140612013103		INMATE CLASSIFICATION:		NO.	
NAME Pena, Alberto			ALIAS		ARREST DATE 08/13/20
ADDRESS 48 Fresno Circle, Rio Grande City, TX 78582			OCCUPATION Construction		ARREST TIME 4:37 PM
SOCIAL SECURITY NO. 06 309-08-0699		STATE	DRIVER'S LICENSE		TYPE EXPIRES
AGE 30	RACE V	SEX M	EYES Bro	HAIR Bro	HEIGHT 5'11"
WEIGHT 265	DATE OF BIRTH 02/15/1991		PLACE OF BIRTH Rio Grande City		TATTOOS OR MARKS Both Arms
OFFN. #1 Criminal misc. - CMS			OFFN. #2		
OFFN. #3			OFFN. #4		
ARRESTING AGENCY SCSO		OFFICER Jorge A. Guerra		MARITAL STATUS Single	STATUS Good
NEXT OF KIN		EMPLOYER		OCCUPATION	DIABETIC No
SENTENCE BEGINS		SENTENCE EXPIRES		HOLD FOR	
BEHAVIOR <input type="checkbox"/> GOOD <input type="checkbox"/> BAD		HOW RELEASED <input type="checkbox"/> BOND <input type="checkbox"/> FINE <input type="checkbox"/> TRANSFERRED		DATE RELEASED TIME	
		<input type="checkbox"/> SERVED SENTENCE <input type="checkbox"/> OTHER:			
ENTERING R/I PRINT	RELEASING R/I PRINT		BOOKING OFFICER J. Guerra	SUPV. Jaz	REL. OFFR. SUPV.
REMARKS:					



Pursuant to Art. 104.002  
Code of Criminal Procedure  
Section H.B.2308

**MEDICAL SERVICE AGREEMENT - STARR COUNTY JAIL**

I will reimburse at the STARR COUNTY for any medical expense that I incur while incarcerated in the STARR County Detention Center at rates listed below:

Visit to the Hospital and Treatment	Actual Cost
Visit to the jail Physician	\$10.00
Visit to Dentist	Actual Cost
Non-prescription Medicine	\$ 0.10
Medical Aids/Equipment	Actual Cost

I understand that if I am indigent and unable to pay any costs, then I will still be treated. If I receive any funds at any time during my incarceration in the Starr County Detention Center, then my inmate account will debited to pay this indebtedness.

(X) Wm  
Inmate Signature

08113120  
Date

Yo reembolso al condado de Starr por los gastos medicos que yo incurra mientras este encarcelado en la facilidad de detencion del condado Starr a los precios mencionados:

Visita al doctor del condado	\$10.00
Visita y tratamiento de hospital	Costo actual del servicio
Visita al odontologo	Costo actual del servicio
Costo de medicamento sin recetas medica	\$ 0.10
Comprado por farmacia o clinica	
Aprovada por el condado	Costo actual del servicio
Costo por atencion medica y equipo medico	Costo actual del servicio

Yo entiendo que de yo no estar economicamente disponible para pagar los gastos medicos yo sere tratado de todas maneras y si recibiera fondos en cualquier momento estando encarcelado en el centro de detencion del condado Starr doy permiso a que el dinero de mi cuenta se use para pagar mis deudas medicas.

X W  
Firma del interno

                      
Fecha



**Screening Form for Suicide and Medical/Mental/Developmental Impairments**

County: <b>Starr</b>		Date and Time: <b>08/13/2014</b>	Name of Screening Officer: <b>J. Corzo</b>
Inmate's Name: <b>Pena, Alberto</b>		Gender: <b>M</b>	DOB: <b>2/15/91</b> If female, pregnant? Yes No Unknown
Serious injury/hospitalization in last 90 days? Yes No <input checked="" type="checkbox"/> If yes, describe:			
Currently taking any prescription medications? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, what: <b>N.K.T.P</b>			
Any disability/chronic illness (diabetes, hypertension, etc.) Yes No <input checked="" type="checkbox"/> If yes, describe:			
Does inmate appear to be under the influence of alcohol or drugs? Yes No <input checked="" type="checkbox"/> If yes, describe:			
Do you have a history of drug/alcohol abuse? If yes, note substance and when last used <b>No</b>			
* Do you think you will have withdrawal symptoms from stopping the use of medications or other substances (including alcohol or drugs) while you are in jail? If yes, describe <b>No</b>			
* Have you ever had a traumatic brain injury, concussion, or loss of consciousness? Yes No <input checked="" type="checkbox"/> If yes, describe:			
* If yes, Notify Medical or Supervisor Immediately			
<b>Place inmate on suicide watch if Yes to 1a-1d or at any time jailer/supervisor believe it is warranted</b>			
	YES	NO	"Yes" Requires Comments
<b>IF YES TO 1a, 1b, 1c, or 1d BELOW, NOTIFY SUPERVISOR, MAGISTRATE, AND MENTAL HEALTH IMMEDIATELY</b>			
Is the inmate unable to answer questions? If yes, note why, notify supervisor and place on suicide watch until form completed.		<b>No</b>	
1a. Does the arresting/transporting officer believe or has the officer received information that inmate may be at risk of suicide?		<b>No</b>	
1b. Are you thinking of killing or injuring yourself today? If so, how?		<b>No</b>	
1c. Have you ever attempted suicide? If so, when and how?		<b>No</b>	
1d. Are you feeling hopeless or have nothing to look forward to?		<b>No</b>	
<b>IF YES TO 2-12 BELOW, NOTIFY SUPERVISOR AND MAGISTRATE. Notify Mental Health when warranted</b>			
2. Do you hear any noises or voices other people don't seem to hear?		<b>No</b>	
3. Do you currently believe that someone can control your mind or that other people can know your thoughts or read your mind?		<b>No</b>	
4. Prior to arrest, did you feel down, depressed, or have little interest or pleasure in doing things?		<b>No</b>	
5. Do you have nightmares, flashbacks or repeated thoughts or feelings related to PTSD or something terrible from your past?		<b>No</b>	
6. Are you worried someone might hurt or kill you? If female, ask if they fear someone close to them.		<b>No</b>	
7. Are you extremely worried you will lose your job, position, spouse, significant other, custody of your children due to arrest?		<b>No</b>	
8. Have you ever received services for emotional or mental health problems?		<b>No</b>	
9. Have you been in a hospital for emotional/mental health in the last year?		<b>No</b>	
10. If yes to 8 or 9, do you know your diagnosis? If no, put "Does not know" in comments.		<b>No</b>	
11. In school, were you ever told by teachers that you had difficulty learning?		<b>No</b>	
12. Have you lost / gained a lot of weight in the last few weeks without trying (at least 5lbs.)?		<b>No</b>	
<b>IF YES TO 13-16 BELOW, NOTIFY SUPERVISOR, MAGISTRATE, AND MENTAL HEALTH IMMEDIATELY</b>			
13. Does inmate show signs of depression (sadness, irritability, emotional flatness)?		<b>No</b>	
14. Does inmate display any unusual behavior, or act or talk strange (cannot focus attention, hearing or seeing things that are not there)?		<b>No</b>	
15. Is the inmate incoherent, disoriented or showing signs of mental illness?		<b>No</b>	
16. Inmate has visible signs of recent self-harm (cuts or ligature marks)?		<b>No</b>	
Additional Comments (Note CCQ Match here):			
Magistrate Notification Date and Time: Electronic or Written (Circle)	Mental Health Notification Date and Time:	Medical Notification Date and Time:	
Supervisor Signature, Date and Time:			

ATN:  
ID#: 273590

## HEALTH SCREENING FORM

Printed Date: 08/13/2020 16:55

Screening Deputy's Name:		HLOPEZ
Transporting Agency / Officer's Name		
1.	Does the transporting officer have any knowledge of any use of force above soft empty hand being used on the arrestee? (i.e. taser, pepper spray, baton, etc.)	No Answer
2.	Does the transporting officer have any knowledge of the arrestee's use of drugs or alcohol, including but not limited to ingestion of narcotics?	No Answer
Wheelchair/Wheelchair Van?		No
Comments:		
Independent with specialty shoes?		No
Comments:		
Prosthesis? If yes, describe type(s):		No
Comments:		
Any allergies? If yes, describe:		No
Comments:		
Pending specialty clinic? If yes, describe type:		No
Comments:		
Any functional limitations? If yes, describe:		No
Comments:		
Hepatitis A?		No
Comments:		
Hepatitis B?		No
Comments:		
Hepatitis C?		No
Comments:		
HIV/HIV Antibody?		No
Comments:		
HIV/HIV Antibody: Test Date		No
Comments:		
HIV/HIV Antibody Test Results: Positive?		No
Comments:		
HIV/HIV Antibody Test Results: CD4?		No
Comments:		
HIV/HIV Antibody Test Results: Date?		No
Comments:		
Syphilis? If yes, describe type:		No
Comments:		
Syphilis: Date?		No
Comments:		
Syphilis: Treatment completed?		No
Comments:		
Tuberculosis?		No
Comments:		
Tuberculosis: Skin test given?		No
Comments:		

ATN:  
ID#: 273590

## HEALTH SCREENING FORM

Printed Date: 08/13/2020 16:55

Institutional Consensual Sex Within The Past Ten Years?	No Answer
Comments:	
Institutional Sexual Taunting Toward Staff Or Other Inmates Within The Past Ten Years?	No Answer
Comments:	
Overly Masculine(Females Only)	No Answer
Comments:	
Any current mental health or IDD needs?	No
Comments:	
Is there a history of mental health or IDD needs?	No
Comments:	
Mental Health? If yes, describe diagnosis:	No
Comments:	
IDD? If yes, describe diagnosis:	No
Comments:	
Alzheimer's disease?	No
Comments:	
Dementia?	No
Comments:	
Any cognitive disorder(s)? If yes, describe:	No
Comments:	
Currently suicidal?	No
Comments:	
Recently suicidal?	No
Comments:	
Any history of being suicidal?	No
Comments:	
Has been psychiatrically stable feor 30 or more days?	No
Comments:	
Competency restoration: Inpatient?	No
Comments:	
Competency restoration: Jail based?	No
Comments:	
Competency restoration: Outpatient?	No
Comments:	
Competency restoration: Unknown?	No
Comments:	
Competency restoration date?	No
Comments:	
Competency restoration location?	No
Comments:	
Is the inmate unable to answer questions? If yes, note why, notify supervisor and place on suicide watch until form completed.	No
Comments:	
1a. Does the arresting/transporting officer believe or has the officer received information that inmate may be at risk of suicide?	No
Comments:	

ATN:  
ID#: 273590

## HEALTH SCREENING FORM

Printed Date: 08/13/2020 16:55

Do You Have A History Of Drug/Alcohol Abuse? If Yes, Note Substance And When Last Used	No
Comments:	
*Do You Think You Will Have Withdrawal Symptoms From Stopping The Use Of Medications Or Other Substances (Including Alcohol Or Drugs) While You Are In Jail? If Yes, Describe:	No
Comments:	
*Have You Ever Had A Traumatic Brain Injury, Concussion, Or Loss Of Consciousness? If Yes, Describe:	No
Comments:	
Any current medical problems?	No
Comments:	
Any history of medical problems?	No
Comments:	
Diabetes?	No
Comments:	
Diabetes: Insulin required?	No
Comments:	
Diabetes: Special diet required?	No
Comments:	
Pregnancy? If yes, provide number of weeks:	No
Comments:	
Pregnancy: High risk?	No
Comments:	
Cardiovascular/Heart Trouble? If yes, describe diagnosis:	No
Comments:	
Drug abuse?	No
Comments:	
Drug abuse: Detox? If yes, describe type/status:	No
Comments:	
Alcohol abuse?	No
Comments:	
Alcohol abuse: Detox? If yes, describe type/status:	No
Comments:	
Orthopedic problems? If yes, describe type(s):	No
Comments:	
Asthma?	No
Comments:	
Dental needs?	No
Comments:	
Dialysis?	No
Comments:	
Hypertension?	No
Comments:	
Oxygen?	No
Comments:	
Seizure?	No
Comments:	
Recent surgery? If yes, describe type(s):	No
Comments:	

ATN:  
ID#: 273590

## HEALTH SCREENING FORM

Printed Date: 08/13/2020 16:55

HOUSING DISPOSITION			
(Circle all applicable)			
1. Referred to a treatment facility for clearance.			
Yes	<input checked="" type="radio"/>		
2. Recommend housing in:			
General Population	Special Needs	Special Management	High Observation
3. Referral to:			
Healthcare	Mental Health	Dentist	
4. Referral to appropriate health care service for emergency treatment.			
Yes	No		
Arrestee Signature: <u>A. P. 15</u>			
Officer Signature: <u>Jay Garcia</u>			

**From:** Salinas, Yasmine  
**Sent:** Monday, July 5, 2021 2:48 PM  
**To:** Vela, Donato  
**Subject:** PENA INFO

SHOWS ONE DPS CONTACT BACK IN 02/24/2018 – DRIVING A RED FORD FOCUS IN/224TAA NO DL OR ID FOUND FOR SUBJECT

NAME(S)  
PENA,ALBERTO

FBI NUMBER      DPS NUMBER  
659297AC6      TX 07081133

SOCIAL SECURITY    DRIVERS LICENSE    ID NUMBER  
309080699

SEX              RACE              SKIN TONE  
MALE              WHITE              MEDIUM

HEIGHT              WEIGHT              DATE OF BIRTH  
511              265              02-15-1990

HAIR COLOR      EYE COLOR      FINGERPRINT PATTERN  
Black              BROWN

AFIS FINGERPRINT    RIDGE COUNT      PRIMARY CLASS  
RSSSSL SLLL

PLACE OF BIRTH    CITIZEN              III COD  
TX              US              MULTI-STATE

DNA  
N

DATE OF REPORT    ORIGINATION DATE    DATE OF LAST UPDATE  
07-05-2021      04-25-2003      08-13-2020

=====

TOTAL ARRESTS    10

=====

MOST RECENT OCCURRENCE	OFFENSE SUMMARY
03-28-2012	2 AGG ASSLT W/DEADLY WEAPON
03-28-2012	1 ASSAULT CAUSES BODILY INJ
02-26-2018	2 ASSAULT CLASS C
08-13-2020	1 CRIMINAL MISCHIEF >=\$100<\$750
03-28-2012	1 CRIM MISCH>=\$500<\$1,500
02-27-2011	1 DEADLY CONDUCT

04-03-2018 2 LIQUOR VIOLATION CLASS C  
02-27-2011 2 OBSTRUCTION OR RETALIATION  
03-11-2003 1 POSS CS PG1>1G DRUG FREE ZONE  
03-11-2003 1 POSS MARIJ <= 2 OZ DRUG FREE ZONE  
03-28-2012 2 RESIST ARREST SEARCH OR TRANSP  
02-26-2018 2 TERRORISTIC THREAT OF FAMILY/HOUSEHOLD  
LAST ARRESTING AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY

COURT SUMMARY (CONVICTIONS/ADJUDICATIONS)

1 RESIST ARREST SEARCH OR TRANSP

LAST CUSTODY SUMMARY

THIS IS SUMMARY DATA ONLY. USE (QR) TO REQUEST A FULL RAP.

21832101  
QR.TXCCHW000.34X2.  
TXT  
2L0134X2 & 58F0& M21832083.QR.TXDPS34X2.FBI/659297AC6.PUR/C.ATN/980 VELA.RFI/INVESTIGATION34X2  
TEXAS DEPARTMENT OF PUBLIC SAFETY COMPUTERIZED CRIMINAL HISTORY (V 0.20)

THE FOLLOWING RECORD PERTAINS TO DPS NUMBER/TX 07081133

THE FOLLOWING RECORD CONTAINS JUVENILE JUSTICE INFORMATION.

NAME(S)

PENA,ALBERTO

FBI NUMBER DPS NUMBER  
659297AC6 TX 07081133

SOCIAL SECURITY DRIVERS LICENSE ID NUMBER  
309080699

SEX RACE SKIN TONE  
MALE WHITE MEDIUM

HEIGHT WEIGHT DATE OF BIRTH  
511 265 02-15-1990

HAIR COLOR EYE COLOR FINGERPRINT PATTERN  
Black BROWN

AFIS FINGERPRINT RIDGE COUNT PRIMARY CLASS  
RSSSSL LLL

PLACE OF BIRTH CITIZEN III CODE  
TX US MULTI-STATE

DNA  
N

DATE OF REPORT    ORIGATION DATE    DATE OF LAST UPDATE  
07-05-2021        04-25-2003        08-13-2020

=====

EVENT CYCLE 1

TRACKING NUMBER    0038237849  
DETENTION DATE    03-11-2003  
TYPE                JUVENILE  
AGENCY              TX2140300 - ROMA POLICE DEPARTMENT  
NAME                PENA,ALBERTO

-----

TRACKING SUFFIX    A001

-----

OFFENSE DATA

AGENCY CASE NUMBER    03-0333  
OFFENSE DATE           03-11-2003  
OFFENSE                POSS MARIJ <= 2 OZ DRUG FREE ZONE  
CITATION                HSC 481.121(b)(1)  
LEVEL & DEGREE        MISDEMEANOR - CLASS UNKNOWN  
DISPOSITION LITERAL    REFERRED  
DISPOSITION DATE       03-11-2003  
REFERRED                TX214025G - TRI COUNTY JUVENILE PROBATION DEPT

-----

NO PROSECUTION DATA AVAILABLE

-----

COURT DATA

COURT AGENCY        TX214025G - TRI COUNTY JUVENILE PROBATION DEPT  
COURT OFFENSE        POSS MARIJ <= 2 OZ DRUG FREE ZONE  
CITATION                HSC 481.121(b)(1)  
LEVEL & DEGREE        MISDEMEANOR - CLASS UNKNOWN  
DISPOSITION           DEFERRED PROSECUTION  
DISPOSITION DATE      03-12-2003  
SENTENCE DATE        03-12-2003  
FINAL PLEADING        UNREPORTED/OR UNKNOWN  
PROBATION              6M

=====

EVENT CYCLE 2

TRACKING NUMBER    0038237938  
DETENTION DATE    03-11-2003  
TYPE                JUVENILE  
AGENCY              TX2140300 - ROMA POLICE DEPARTMENT  
NAME                PENA,ALBERTO

-----

TRACKING SUFFIX    A001

-----

OFFENSE DATA

AGENCY CASE NUMBER    03-0333  
OFFENSE DATE           03-11-2003



OFFENSE POSS CS PG1>1G DRUG FREE ZONE  
CITATION HSC 481.134(c)  
LEVEL & DEGREE FELONY - STATE JAIL FELONY  
DISPOSITION LITERAL REFERRED  
DISPOSITION DATE 03-11-2003  
REFERRED TX214025G - TRI COUNTY JUVENILE PROBATION DEPT

-----  
NO PROSECUTION DATA AVAILABLE  
-----

COURT DATA

COURT AGENCY TX214025G - TRI COUNTY JUVENILE PROBATION DEPT  
COURT OFFENSE POSS CS PG1>1G DRUG FREE ZONE  
CITATION HSC 481.134(c)  
LEVEL & DEGREE FELONY - STATE JAIL FELONY  
DISPOSITION DEFERRED PROSECUTION  
DISPOSITION DATE 03-12-2003  
SENTENCE DATE 03-12-2003  
FINAL PLEADING UNREPORTED/OR UNKNOWN  
PROBATION 6M

=====

EVENT CYCLE 3

TRACKING NUMBER 9129905966  
ARREST DATE 12-07-2009  
TYPE ADULT  
AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
NAME PENA,ALBERTO

-----  
TRACKING SUFFIX A001  
-----

OFFENSE DATA

AGENCY CASE NUMBER TX2140000  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE DATE 12-07-2009  
OFFENSE AGG ASSLT W/DEADLY WEAPON  
CITATION PC 22.02(a)(2)  
OFFENSE DESC AGG ASSLT W/DEADLY WEAPON  
LEVEL & DEGREE FELONY - 2ND DEGREE  
DISPOSITION HELD  
DISPOSITION LITERAL HELD  
DISPOSITION DATE 12-07-2009  
REFERRED TX214015A - DISTRICT ATTORNEY'S OFFICE RIO  
GRANDE CITY

-----

PROSECUTION DATA

PROSECUTION AGENCY TX214015A - DISTRICT ATTORNEY'S OFFICE RIO  
GRANDE CITY  
ACTION PROSECUTOR ACCEPTS THE CHARGE  
ACTION DATE 04-21-2011  
OFFENSE AGG ASSLT W/DEADLY WEAPON  
CITATION PC 22.02(a)(2)  
LEVEL & DEGREE FELONY - 2ND DEGREE

-----  
COURT DATA

COURT AGENCY TX214015J - 381ST DISTRICT COURT STARR COUNTY  
COURT OFFENSE AGG ASSLT W/DEADLY WEAPON  
CITATION PC 22.02(a)(2)  
LEVEL & DEGREE FELONY - 2ND DEGREE  
DISPOSITION DEFERRED  
DISPOSITION DATE 06-01-2011  
CAUSE NUMBER 11-CR-159  
FINAL PLEADING NOT GUILTY  
PROBATION 3Y  
FINE 1000  
COURT COST 326  
RECEIVING CUSTODY PROBATION

-----  
COURT DATA

COURT AGENCY TX214015J - 381ST DISTRICT COURT STARR COUNTY  
COURT OFFENSE AGG ASSLT W/DEADLY WEAPON  
CITATION PC 22.02(a)(2)  
LEVEL & DEGREE FELONY - 2ND DEGREE  
DISPOSITION PENDING  
DISPOSITION DATE 04-27-2012  
SENTENCE DATE 04-27-2012  
CAUSE NUMBER 11-CR-159  
FINAL PLEADING UNREPORTED/OR UNKNOWN  
PROVISION LITERAL 11-CR-159 381ST  
PROVISION ABSCONDED

=====

EVENT CYCLE 4

TRACKING NUMBER 9129927145  
ARREST DATE 02-27-2011  
TYPE ADULT  
AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
NAME PENA,ALBERTO

-----  
TRACKING SUFFIX A001  
-----

OFFENSE DATA

AGENCY CASE NUMBER 20110659  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE DATE 02-27-2011  
OFFENSE OBSTRUCTION OR RETALIATION  
CITATION PC 36.06(c)  
LEVEL & DEGREE FELONY - 3RD DEGREE  
DISPOSITION HELD  
DISPOSITION LITERAL HELD  
DISPOSITION DATE 02-27-2011  
REFERRED TX214015A - DISTRICT ATTORNEY'S OFFICE RIO  
GRANDE CITY

-----  
PROSECUTION DATA

PROSECUTION AGENCY TX214015A - DISTRICT ATTORNEY'S OFFICE RIO  
GRANDE CITY

ACTION PROSECUTION ACTION UNDEFINED BY PAF CODE

ACTION DATE 05-18-2011

OFFENSE OBSTRUCTION OR RETALIATION

CITATION PC 36.06(c)

LEVEL & DEGREE FELONY - 3RD DEGREE

-----  
NO COURT DATA AVAILABLE

-----  
TRACKING SUFFIX A002

-----  
OFFENSE DATA

AGENCY CASE NUMBER 20110659

OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY

OFFENSE DATE 02-27-2011

OFFENSE OBSTRUCTION OR RETALIATION

CITATION PC 36.06(c)

LEVEL & DEGREE FELONY - 3RD DEGREE

DISPOSITION HELD

DISPOSITION LITERAL HELD

DISPOSITION DATE 02-27-2011

REFERRED TX214015A - DISTRICT ATTORNEY'S OFFICE RIO  
GRANDE CITY

-----  
PROSECUTION DATA

PROSECUTION AGENCY TX214015A - DISTRICT ATTORNEY'S OFFICE RIO  
GRANDE CITY

ACTION PROSECUTION ACTION UNDEFINED BY PAF CODE

ACTION DATE 05-18-2011

OFFENSE OBSTRUCTION OR RETALIATION

CITATION PC 36.06(c)

LEVEL & DEGREE FELONY - 3RD DEGREE

-----  
NO COURT DATA AVAILABLE

-----  
TRACKING SUFFIX A003

-----  
OFFENSE DATA

AGENCY CASE NUMBER 20110659

OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY

OFFENSE DATE 02-27-2011

OFFENSE RESIST ARREST SEARCH OR TRANSP

CITATION PC 38.03(a)

LEVEL & DEGREE MISDEMEANOR - CLASS A

DISPOSITION HELD

DISPOSITION LITERAL HELD

DISPOSITION DATE 02-27-2011

REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE  
CITY

-----  
PROSECUTION DATA

PROSECUTION AGENCY TX214013A - COUNTY ATTORNEY'S OFFICE RIO  
GRANDE CITY

ACTION ELAPSED TIME  
ACTION DATE 05-21-2013  
OFFENSE RESIST ARREST SEARCH OR TRANSP  
CITATION PC 38.03(a)  
LEVEL & DEGREE MISDEMEANOR - CLASS A

-----  
NO COURT DATA AVAILABLE  
-----

TRACKING SUFFIX A004  
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OFFENSE DATA

AGENCY CASE NUMBER 20110659  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE DATE 02-27-2011  
OFFENSE DEADLY CONDUCT  
CITATION PC 22.05(a)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
DISPOSITION HELD  
DISPOSITION LITERAL HELD  
DISPOSITION DATE 02-27-2011  
REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE  
CITY

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PROSECUTION DATA

PROSECUTION AGENCY TX214015A - DISTRICT ATTORNEY'S OFFICE RIO  
GRANDE CITY  
ACTION PROSECUTOR HAS REJECTED THE CHARGE WITHOUT A  
PRE-TRIAL DIVERSION  
ACTION DATE 05-05-2011  
OFFENSE DEADLY CONDUCT  
CITATION PC 22.05(a)  
LEVEL & DEGREE MISDEMEANOR - CLASS A

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NO COURT DATA AVAILABLE  
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TRACKING SUFFIX A005  
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OFFENSE DATA

AGENCY CASE NUMBER 20110659  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE DATE 02-27-2011  
OFFENSE ASSAULT CLASS C  
CITATION X CLASS C  
LEVEL & DEGREE MISDEMEANOR - CLASS C  
DISPOSITION HELD  
DISPOSITION LITERAL Misd Class C refer to Arresting Agency for  
Disposition  
DISPOSITION DATE 02-27-2011  
REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE  
CITY

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NO PROSECUTION DATA AVAILABLE  
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NO COURT DATA AVAILABLE

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EVENT CYCLE 5

TRACKING NUMBER 9129945488  
ARREST DATE 12-15-2011  
TYPE ADULT  
AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
NAME PENA,ALBERTO

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TRACKING SUFFIX A001  
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OFFENSE DATA

AGENCY CASE NUMBER 20113976  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE DATE 12-14-2011  
OFFENSE LIQUOR VIOLATION CLASS C  
CITATION X CLASS C  
LEVEL & DEGREE MISDEMEANOR - CLASS C  
DISPOSITION LITERAL Misd Class C refer to Arresting Agency for  
Disposition  
DISPOSITION DATE 12-15-2011  
REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE  
CITY

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NO PROSECUTION DATA AVAILABLE  
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NO COURT DATA AVAILABLE

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EVENT CYCLE 6

TRACKING NUMBER 9129948355  
ARREST DATE 01-27-2012  
TYPE ADULT  
AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
NAME PENA,ALBERTO

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TRACKING SUFFIX A001  
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OFFENSE DATA

AGENCY CASE NUMBER 20120295  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE TERRORISTIC THREAT OF FAMILY/HOUSEHOLD  
CITATION PC 22.07(b)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
DISPOSITION LITERAL HELD  
DISPOSITION DATE 01-27-2012  
REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE  
CITY

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PROSECUTION DATA

PROSECUTION AGENCY TX214013A - COUNTY ATTORNEY'S OFFICE RIO  
GRANDE CITY  
ACTION PROSECUTOR ACCEPTS THE CHARGE  
ACTION DATE 10-12-2012  
OFFENSE TERRORISTIC THREAT OF FAMILY/HOUSEHOLD  
CITATION PC 22.07(b)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
-----

COURT DATA

COURT AGENCY TX214023J - COUNTY COURT AT LAW RIO GRANDE CITY  
COURT OFFENSE TERRORISTIC THREAT OF FAMILY/HOUSEHOLD  
CITATION PC 22.07(b)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
DISPOSITION PENDING  
DISPOSITION DATE 11-20-2012  
SENTENCE DATE 11-20-2012  
CAUSE NUMBER CR-12-666  
FINAL PLEADING UNREPORTED/OR UNKNOWN  
PROVISION ABSCONDED  
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COURT DATA

COURT AGENCY TX214023J - COUNTY COURT AT LAW RIO GRANDE CITY  
COURT OFFENSE TERRORISTIC THREAT OF FAMILY/HOUSEHOLD  
CITATION PC 22.07(b)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
DISPOSITION DISMISSED  
DISPOSITION DATE 05-13-2014  
SENTENCE DATE 05-13-2014  
CAUSE NUMBER CR-12-666  
FINAL PLEADING NOT GUILTY  
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EVENT CYCLE 7

TRACKING NUMBER 9216902612  
ARREST DATE 03-28-2012  
TYPE ADULT  
AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
NAME PENA,ALBERTO  
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TRACKING SUFFIX A001  
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OFFENSE DATA

AGENCY ID NUMBER TX2140000  
AGENCY CASE NUMBER 2012-1006  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE DATE 03-28-2012  
OFFENSE AGG ASSLT W/DEADLY WEAPON  
CITATION PC 22.02(a)(2)  
LEVEL & DEGREE FELONY - 2ND DEGREE  
DISPOSITION LITERAL HELD

DISPOSITION DATE 03-28-2012  
REFERRED TX214015A - DISTRICT ATTORNEY'S OFFICE RIO  
GRANDE CITY

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PROSECUTION DATA

PROSECUTION AGENCY TX214015A - DISTRICT ATTORNEY'S OFFICE RIO  
GRANDE CITY  
ACTION PROSECUTOR ACCEPTS THE CHARGE  
ACTION DATE 09-11-2012  
OFFENSE AGG ASSLT W/DEADLY WEAPON  
CITATION PC 22.02(a)(2)  
OFFENSE DESC 12-CRS-652  
LEVEL & DEGREE FELONY - 2ND DEGREE  
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COURT DATA

COURT AGENCY TX214035J - 229TH JUDICIAL DISTRICT COURT  
COURT OFFENSE AGG ASSLT W/DEADLY WEAPON  
CITATION PC 22.02(a)(2)  
LEVEL & DEGREE FELONY - 2ND DEGREE  
DISPOSITION PENDING  
DISPOSITION DATE 05-16-2013  
SENTENCE DATE 05-16-2013  
CAUSE NUMBER 12-CRS-652  
FINAL PLEADING UNREPORTED/OR UNKNOWN  
PROVISION LITERAL WARRANT # 12-CRS-652  
PROVISION ABSCONDED  
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COURT DATA

COURT AGENCY TX214035J - 229TH JUDICIAL DISTRICT COURT  
COURT OFFENSE AGG ASSLT W/DEADLY WEAPON  
CITATION PC 22.02(a)(2)  
LEVEL & DEGREE FELONY - 2ND DEGREE  
DISPOSITION DISMISSED  
DISPOSITION DATE 05-01-2014  
SENTENCE DATE 05-01-2014  
CAUSE NUMBER 12-CRS-652  
FINAL PLEADING UNREPORTED/OR UNKNOWN  
PROVISION LITERAL VICTIM HAS FILED AFFIDAVIT OF NON PROSECUTION  
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TRACKING SUFFIX A002  
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OFFENSE DATA

AGENCY ID NUMBER TX2140000  
AGENCY CASE NUMBER 2012-1006  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE DATE 03-28-2012  
OFFENSE ASSAULT CAUSES BODILY INJ  
CITATION PC 22.01(a)(1)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
DISPOSITION LITERAL HELD  
DISPOSITION DATE 03-28-2012  
REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE

CITY

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PROSECUTION DATA

PROSECUTION AGENCY TX214013A - COUNTY ATTORNEY'S OFFICE RIO  
GRANDE CITY  
ACTION PROSECUTOR ACCEPTS THE CHARGE  
ACTION DATE 02-05-2014  
OFFENSE ASSAULT CAUSES BODILY INJ  
CITATION PC 22.01(a)(1)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
-----

COURT DATA

COURT AGENCY TX214023J - COUNTY COURT AT LAW RIO GRANDE CITY  
COURT OFFENSE ASSAULT CAUSES BODILY INJ  
CITATION PC 22.01(a)(1)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
DISPOSITION UNADJUDICATED WITH  
DISPOSITION DATE 03-18-2014  
SENTENCE DATE 03-18-2014  
CAUSE NUMBER CR-13-756  
FINAL PLEADING GUILTY  
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TRACKING SUFFIX A003  
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OFFENSE DATA

AGENCY ID NUMBER TX2140000  
AGENCY CASE NUMBER 2012-1006  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE DATE 03-28-2012  
OFFENSE RESIST ARREST SEARCH OR TRANSP  
CITATION PC 38.03(a)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
DISPOSITION LITERAL HELD  
DISPOSITION DATE 03-28-2012  
REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE  
CITY  
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PROSECUTION DATA

PROSECUTION AGENCY TX214013A - COUNTY ATTORNEY'S OFFICE RIO  
GRANDE CITY  
ACTION PROSECUTOR ACCEPTS THE CHARGE  
ACTION DATE 02-05-2014  
OFFENSE RESIST ARREST SEARCH OR TRANSP  
CITATION PC 38.03(a)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
-----

COURT DATA

COURT AGENCY TX214023J - COUNTY COURT AT LAW RIO GRANDE CITY  
COURT OFFENSE RESIST ARREST SEARCH OR TRANSP  
CITATION PC 38.03(a)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
DISPOSITION CONVICTED



DISPOSITION DATE 03-18-2014  
SENTENCE DATE 03-18-2014  
CAUSE NUMBER CR-13-758  
FINAL PLEADING GUILTY

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TRACKING SUFFIX A004

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OFFENSE DATA

AGENCY ID NUMBER TX2140000  
AGENCY CASE NUMBER 2012-1006  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE DATE 03-28-2012  
OFFENSE CRIM MISCH>=\$500<\$1,500  
CITATION PC 28.03(a)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
DISPOSITION LITERAL HELD  
DISPOSITION DATE 03-28-2012  
REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE  
CITY

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PROSECUTION DATA

PROSECUTION AGENCY TX214013A - COUNTY ATTORNEY'S OFFICE RIO  
GRANDE CITY  
ACTION PROSECUTOR ACCEPTS THE CHARGE  
ACTION DATE 02-05-2014  
OFFENSE CRIM MISCH>=\$500<\$1,500  
CITATION PC 28.03(a)  
LEVEL & DEGREE MISDEMEANOR - CLASS A

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COURT DATA

COURT AGENCY TX214023J - COUNTY COURT AT LAW RIO GRANDE CITY  
COURT OFFENSE CRIM MISCH>=\$500<\$1,500  
CITATION PC 28.03(a)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
DISPOSITION UNADJUDICATED WITH  
DISPOSITION DATE 03-18-2014  
SENTENCE DATE 03-18-2014  
CAUSE NUMBER CR-13-757  
FINAL PLEADING GUILTY

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EVENT CYCLE 8

TRACKING NUMBER 9217047678  
ARREST DATE 02-26-2018  
TYPE ADULT  
AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
NAME PENA,ALBERTO

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TRACKING SUFFIX A001

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OFFENSE DATA

AGENCY CASE NUMBER 201801753

OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE TERRORISTIC THREAT OF FAMILY/HOUSEHOLD  
CITATION PC 22.07(c)(1)  
LEVEL & DEGREE MISDEMEANOR - CLASS A  
DISPOSITION LITERAL HELD  
DISPOSITION DATE 02-26-2018  
REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE  
CITY

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PROSECUTION DATA

PROSECUTION AGENCY TX214013A - COUNTY ATTORNEY'S OFFICE RIO  
GRANDE CITY  
ACTION CHARGES DROPPED BY ARRESTING AGENCY  
ACTION DATE 08-21-2019  
OFFENSE TERRORISTIC THREAT OF FAMILY/HOUSEHOLD  
CITATION PC 22.07(c)(1)  
LEVEL & DEGREE MISDEMEANOR - CLASS A

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NO COURT DATA AVAILABLE

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TRACKING SUFFIX A002

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OFFENSE DATA

AGENCY CASE NUMBER 201801753  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE ASSAULT CLASS C  
CITATION X CLASS C  
LEVEL & DEGREE MISDEMEANOR - CLASS C  
DISPOSITION LITERAL Misd Class C refer to Arresting Agency for  
Disposition  
DISPOSITION DATE 02-26-2018  
REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE  
CITY

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NO PROSECUTION DATA AVAILABLE

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NO COURT DATA AVAILABLE

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EVENT CYCLE 9

TRACKING NUMBER 9284000076  
ARREST DATE 04-03-2018  
TYPE ADULT  
AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
NAME PENA,ALBERTO

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TRACKING SUFFIX A001

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OFFENSE DATA

AGENCY CASE NUMBER 2018-02855  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE LIQUOR VIOLATION CLASS C

CITATION X CLASS C  
LEVEL & DEGREE MISDEMEANOR - CLASS C  
DISPOSITION LITERAL Misd Class C refer to Arresting Agency for  
Disposition  
DISPOSITION DATE 04-03-2018  
REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE  
CITY

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NO PROSECUTION DATA AVAILABLE  
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NO COURT DATA AVAILABLE

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EVENT CYCLE 10

TRACKING NUMBER 928405589X  
ARREST DATE 08-13-2020  
TYPE ADULT  
AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
NAME PENA,ALBERTO

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TRACKING SUFFIX A001  
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OFFENSE DATA

AGENCY CASE NUMBER 2020-09341  
OFFENSE AGENCY TX2140000 - STARR CO SO RIO GRANDE CITY  
OFFENSE CRIMINAL MISCHIEF >=\$100<\$750  
CITATION PC 28.03(b)(2)  
LEVEL & DEGREE MISDEMEANOR - CLASS B  
DISPOSITION LITERAL HELD  
DISPOSITION DATE 08-13-2020  
REFERRED TX214013A - COUNTY ATTORNEY'S OFFICE RIO GRANDE  
CITY

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NO PROSECUTION DATA AVAILABLE  
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NO COURT DATA AVAILABLE

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NO CUSTODY EVENTS

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UNAUTHORIZED USE OR DISCLOSURE OF THE INFORMATION CONTAINED IN THIS RECORD  
MAY RESULT IN SEVERE CRIMINAL PENALTIES.  
SEE TEXAS GOVERNMENT CODE SECTION 411.085.  
END OF RECORD

MRI: 21832101 IN: CCHW 19890 AT 05JUL2021 14:47:18  
OUT: 34X2 9393 AT 05JUL2021 14:47:18

# Approved Supplements

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

THIS REPORT IS THE PROPERTY OF THE TEXAS RANGERS. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.			
PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S1
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	08/13/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	08/16/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	08/18/2020
REPORT TYPE:	INITIAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50182280
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20		
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 08-13-20, I, Company "D" Texas Ranger Donato E. Vela, initiated a Custodial Death Investigation that occurred at the Starr County Jail located at 100 East 6th Street, Rio Grande City, Texas 78582.

**DETAILS**

- 1.1 On 08-13-20, I, Company "D" Texas Ranger Donato E. Vela, received information from Company "D" Texas Ranger Lieutenant Rolando Villarreal reference to a Custodial Death Investigation that occurred at the Starr County Jail 100 East 6<sup>th</sup> Street Rio Grande City, Texas 78582.
- 1.2 Lieutenant Villarreal informed me that he received a call from Starr County Sheriff's Office (SCSO) Jail Administrator Roberto R. Molina Jr, requesting assistance with the custodial death involving a 30-year-old male.
- 1.3 I proceeded to the Starr County Sheriff's Office (SCSO) to make contact with Investigators and initiated an investigation.
- 1.4 This investigation will continue.

DPS SENSITIVE

07/01/2021 14:34

**PERSONNEL**

**Donato Vela, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 715-3653

**Rolando Villarreal, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 565-7652

*END OF REPORT*

**DPS SENSITIVE**

07/01/2021 14:34

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S2
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	08/13/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	11/20/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	12/02/2020
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50186258
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	STARR COUNTY SHERIFF'S OFFICE 102 EAST 6TH STREET RIO GRANDE CITY, TEXAS STARR US - UNITED STATES OF AMERICA (USA) 78582	AREA:	MCALLEN

**SYNOPSIS**

On 08-13-20, I, Company "D" Texas Ranger Donato E. Vela, traveled to the Starr County Sheriff's Office (SCSO) and made contact with Criminal Investigations Division (CID) Sergeant Leonel Alvarez.

**DETAILS**

- 2.1 On 08-13-20, I, Company "D" Texas Ranger Donato E. Vela, traveled to the Starr County Sheriff's Office (SCSO) 102 East 6<sup>th</sup> Street Rio Grande City, Texas 78582 and made contact with Criminal Investigations Division (CID) Sergeant Leonel Alvarez.
- 2.2 Investigator Alvarez provided me with preliminary information regarding the Custodial Death Investigation.
- 2.3 Investigator Alvarez advised that on the same date, SCSO Deputies responded to 48 Fresno Circle Rio Grande City, Texas 78582, about an unwanted male subject.
- 2.4 Upon arrival, Deputies made contact with complainant Aristedes Pena H/M DOB 01-04-1961, who advised Deputies that his son Alberto Pena H/M DOB 02-15-

**DPS SENSITIVE**

07/01/2021 14:40

1991 was being aggressive, highly intoxicated, and under the influence of drugs.

- 2.5 Aristedes also told Deputies that Alberto had been up all night, not slept, and had caused damages in the residence's interior. Deputies saw evidence of the damage, and Alberto was subsequently placed under arrest for Criminal Mischief Penal Code 28.03(b)(2) Class B Misdemeanor.
- 2.6 Deputies secured Alberto in the back seat of an SCSO patrol unit while Deputies gathered additional information. Alberto became uncooperative, and Deputies observed Alberto banging his head in the interior of the patrol unit.
- 2.7 Deputies later transported Alberto to the Starr County Jail 100 East 6<sup>th</sup> Street Rio Grande City, Texas. Deputies booked Alberto for the criminal offense of Criminal Mischief and placed Alberto inside a Detox cell.
- 2.8 Sergeant Alvarez informed me that once inside the Detox cell, Alberto continued to bang his head against the cell's metal door several times before the jail guards restrained Alberto to a chair, also known as a "Wrap Cart."
- 2.9 At one point, a jail guard observed Alberto foaming from the mouth and was unresponsive. A team of jail guards entered the Detox cell, unrestrained Alberto, and administered first aid.
- 2.10 Emergency Medical Services (EMS) was called and transported Alberto to the Starr County Memorial Hospital where Alberto later died. Sergeant Alvarez and SCSO Investigator Juan Guerra traveled to the hospital and briefly spoke with hospital staff members.
- 2.11 Staff members informed Sergeant Alvarez and Investigator Guerra that preliminary blood screening showed the presence of Alcohol, Marijuana, and cocaine in Alberto's body.
- 2.12 Sergeant Alvarez stated that Elizondo's Funeral Home in Mission, Texas, would take custody of Alberto's body and perform an autopsy the following day.

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07/01/2021 14:40



2.13 This investigation will continue.

**INVOLVED LOCATIONS**

**Starr County Sheriff's Office**  
**102 East 6th Street**  
Rio Grande City, TX 78582

**Suspect Residence**  
**48 Fresno Circle**  
Rio Grande City, TX 78582

**INVOLVED**

**Pena, Alberto - Hispanic/Male - 02/15/1991**

Hair: Brown	Eyes: Brown	Weight: 265 lbs	Height: 5' 11"
SSN:	SID:	DL#:	DL State: TX

**COMPLAINANTS**

**Pena, Aristedes - Hispanic/Male - 01/04/1961**

Hair:	Eyes:	Weight:	Height:
SSN:	SID:	DL#:	DL State: TX

**PERSONNEL**

**Donato Vela, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 715-3653

**Leonel Alvarez, Investigator , Criminal Investigations Division**  
Starr County Sheriff's Office

**Juan Guerra, Investigator, Criminal Investigations Division**  
Starr County Sheriff's Office

**END OF REPORT**

**DPS SENSITIVE**

07/01/2021 14:40

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S3
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	08/13/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	06/30/2021
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	07/06/2021
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50186261
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	STARR COUNTY JAIL 100 EAST 6TH STREET RIO GRANDE CITY, TEXAS STARR US - UNITED STATES OF AMERICA (USA) 78582	AREA:	MCALLEN

**SYNOPSIS**

On 08-13-2020, I, Company "D" Texas Ranger Donato E. Vela, met with Chief Jose R. Molina Jr. at the Starr County Jail to obtain additional information regarding the custodial death investigation.

**DETAILS**

- 3.1 On 08-13-2020, I, Company "D" Texas Ranger Donato E. Vela, met with Jail Administrator Chief Jose R. Molina Jr. at the Starr County Jail 100 East 6<sup>th</sup> Street Rio Grande City, Texas 78582 to obtain additional information regarding the custodial death investigation.
- 3.2 Chief Molina informed me that shortly after 9:15 PM, jail staff notified him that inmate Alberto Pena H/M DOB 02-15-1990, was unresponsive and rushed to the hospital by Emergency Medical Services (EMS) personnel.
- 3.3 Chief Molina learned that Alberto was arrested earlier in the day for Criminal Mischief after Alberto damaged property belonging to his parents at 48 Fresno Circle Rio Grande City, Texas 78582.
- 3.4 Chief Molina stated that Deputies brought Alberto to the Starr County Jail at

approximately 3:31 PM, booked and placed him inside a detox holding cell alone due to his aggressive and uncooperative behavior.

- 3.5 Chief Molina learned that Alberto struck his head numerous times during Alberto's stay against the cell's polycarbonate ballistic glass. Detention Officers restrained Alberto in the Wrap Restraint System or roll cart at approximately 6:53 PM for Alberto's safety.
- 3.6 According to Chief Molina, Alberto managed to break free from the roll cart and began kicking the cell's metal door. Detention Officers re-entered the detox cell and restrained Alberto once again in the Wrap rolling cart.
- 3.7 Chief Molina stated that Alberto remained restrained in the Wrap rolling cart until a detention officer observed Alberto unresponsive foaming from the mouth at approximately 9:12 PM. Detention Officers rushed to Alberto's aid, removed him from the Wrap rolling cart, and administered first aid.
- 3.8 EMS and Fire Department (FD) were called to assist, and Alberto was transported to the hospital, where he later died at approximately 10:07 PM. SCSO Investigators Juan Guerra and Sergeant Leonel Alvarez traveled to the hospital, where they learned that preliminary blood screening showed Alcohol, Marijuana, and cocaine in Alberto's body.
- 3.9 Chief Molina and I briefly reviewed the jail cameras, specifically the detox holding cell where Alberto was placed after his arrest. I observed where SCSO Deputies brought Alberto into the Starr County Jail, booked him, and put him in the detox holding cell alone.
- 3.10 I observed Alberto's aggressive behavior, including voluntarily banging his head against the cell's ballistic glass on several occasions. On one occasion, Alberto consecutively banged his head up to 14 times before dropping to the ground disoriented. Detention Officers attended to Alberto.
- 3.11 I observed Detention Officers placed Alberto in the Wrap Restraining System twice before Alberto was discovered foaming from the mouth and losing consciousness. Detention Officers provide first aid to Alberto until EMS arrives. EMS transports Alberto to the hospital, and jail staff later secured the detox

holding cell for Texas Rangers to investigate.

3.12 While continuing with the investigation, now Friday 08-14-2020, at approximately 2:00 AM, I obtained copies of two digital jail surveillance camera footage and secured them in my investigative file.

3.13 For complete details, refer to the USB drive containing the two digital surveillance camera footage identified as DETOX HOLDING MAIN 20200813151229\_213331 and DETOX MAIN 20200813152141\_213425, hereafter referred to as Exhibit # 3.01.

3.14 I will later review Exhibit # 3.01 and provide a detailed timeline of significant events leading to the custodial death of Alberto Pena in a subsequent supplement of this investigative file.

3.15 Chief Molina informed me that he would complete the Attorney General of Texas Custodial Death Report and the Inmate Death Reporting Form required by the Texas Commission on Jail Standards after an in-custody death.

3.15 This investigation will continue.

#### **INVOLVED LOCATIONS**

**Starr County Jail**  
**100 East 6th Street**  
Rio Grande City, TX 78582

#### **INVOLVED**

**Pena, Alberto - White/Male - 02/15/1990**

Hair: Black	Eyes: Brown	Weight: 265 lbs	Height: 5' 11"
SSN: 309-08-0699	SID: 07081133	DL#:	DL State: TX

#### **PERSONNEL**

**Donato Vela, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 715-3653

**Jose R. Molina, Chief Jail Administrator,**  
Starr County Detention Center  
100 East 6th Street Rio Grande City, Texas 78582

**Leonel Alvarez, Sergeant Investigator, Criminal Investigations Division**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Juan Guerra, Investigator, Criminal Investigations Division**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Attachment Name(s):**

Property Log 3.pdf

**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

THIS REPORT IS THE PROPERTY OF THE TEXAS RANGERS. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.			
PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S4
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	08/14/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	06/30/2021
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	07/06/2021
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50186263
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	STARR COUNTY JAIL 100 EAST 6TH STREET RIO GRANDE CITY, TEXAS STARR US - UNITED STATES OF AMERICA (USA) 78582	AREA:	MCALLEN

**SYNOPSIS**

On 08-14-2020, I, Company "D" Texas Ranger Donato E. Vela, processed the detox holding cell at the Starr County Jail and collected evidence from Investigator Leonel Alvarez.

**DETAILS**

- 4.1 On 08-14-2020, I, Company "D" Texas Ranger Donato E. Vela, conducted a preliminary walk-through and photographed the detox holding cell where Alberto Pena H/M DOB 02-15-1990 was placed and later became unconscious.
- 4.2 At approximately 12:15 AM, I observed the following: The detox holding cell was located near the sally port entrance door of the jail. The cell's blue sliding metal door faces northwest and contains a polycarbonate ballistic glass window towards the center. The door is approximately 6'.75" in height and 3'.59" in width.
- 4.3 Underneath the metal door ballistic glass window is a trap door that opens and closes, mainly used by detention officers to pass items to inmates (ex: food trays, etc.).
- 4.4 If standing outside the cell looking in, to the left of the cell's metal sliding door is

- a clear polycarbonate ballistic glass window measuring approximately 3'.33" in length x 3'.65" in width that allows detention officers to check on inmates from the jail's hallway. This window faces towards the main control area, also known as "The Front Picket."
- 4.5 I walked inside the detox holding cell and observed by the entrance door several used medical supply wrappings used by detention officers and first responders while administering first aid to Alberto.
- 4.6 Immediately to the left of the cell, I observed a black four-wheel rolling cart known as the WRAP Restraint System. Towards the rear undercarriage of the rolling cart, I observed a pair of silver Police handcuffs still affixed to the metal bar that connects to both rear wheels.
- 4.7 On the left side of the rolling cart was a black with yellow stripes chest restraint vest, which I later learned is considered part of the WRAP restraining system for inmates.
- 4.8 I observed a men's right foot black Nike tennis shoe size 11 ½ located next to the rolling cart's left rear wheel. To the right of the rolling cart was a handheld Police radio serial # 752IUG2564 laying on the concrete floor.
- 4.9 The detox holding cell is equipped with a draining hole, a restroom, and a surveillance camera to monitor the inmates. The cell also contains a push button intercom system used by inmates to speak with detention officers back and forth.
- 4.10 At approximately 1:00 AM, I requested Jail Administrator Chief Jose R. Molina Jr. that the detox holding cell be secured and to restrict the entrance to any person until I returned later in the day to finish processing the cell. Chief Molina complied with my request and locked the cell.
- 4.11 On the same date, at approximately 8:50 PM, I returned to the Starr County Jail and continued processing the detox holding cell. I observed that the metal detox holding cell door was locked and a sign placed outside on the window "Do Not Open Detox, As Per Chief Molina."

- 4.12 I entered the detox holding cell and observed that all the items I documented earlier were still in the same place, and nothing appeared to be tampered with.
- 4.13 I labeled the detox holding cell and the remaining items of evidence as follows:
- ID Marker "A"-The Detox Holding Cell
  - ID Marker "1"- Men's right foot black Nike tennis shoe size 11 ½ Exhibit # 4.01
  - ID Marker "2"- Black with Yellow stripes chest restraint vest Exhibit # 4.02
  - ID Marker "3"-WRAP Restraint System Rolling Cart Exhibit # 4.03
  - ID Marker "4"- Handheld Police radio serial # 752IUG2564 Exhibit # 4.04
- 4.14 Starr County Sheriff's Office (SCSO) Sergeant Investigator Leonel Alvarez assisted me with taking measurements inside the detox holding cell. The cell measured approximately 15'.66" in length and 9'.97" in width. The height from the concrete floor to the ceiling measured approximately 8'.05" in height.
- 4.15 For complete details, refer to a Not to Scale hand-drawn diagram containing additional detox holding cell measurements hereafter referred to as Exhibit # 4.05.
- 4.16 I used my issued Nikon D7100 digital camera and took 162 photographs (DSC\_2158.JPG through DSC\_2377.JPG) to document the detox holding cell and evidence. For complete details, refer to DVD-R Compact Disc containing photos hereafter refers to as Exhibit # 4.06.
- 4.17 At approximately 9:58 PM, I released the detox holding cell (Item A), Exhibits # 4.02, # 4.03, and # 4.04, to the custody of Sergeant Evelario Garza. For complete details, refer to the Texas Department of Public Safety (DPS) Property Inventory Form (HQ-109), hereafter refers to as Exhibit # 4.07.
- 4.18 I took custody of Exhibit # 4.01. For complete details, refer to DPS Inventory of Seized Property (HQ-109A), hereafter refers to as Exhibit # 4.08.



4.19 This investigation will continue.

**INVOLVED LOCATIONS**

**Starr County Jail**  
**100 East 6th Street**  
Rio Grande City, TX 78582

**INVOLVED**

**Pena, Alberto - White/Male - 02/15/1990**

Hair: Black      Eyes: Brown      Weight: 265 lbs      Height: 5' 11"  
SSN: 309-08-0699      SID: 07081133      DL#:      DL State: TX

**PERSONNEL**

**Donato Vela, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 715-3653

**Leonel Alvarez, Sergeant Investigator, Criminal Investigations Division**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Jose R. Molina Jr, Chief Jail Administrator,**  
Starr County Detention Center  
100 East 6th Street Rio Grande City, Texas 78582

**Attachment Name(s):**

Property Log 4.pdf, Not to Scale Diagram.pdf, HQ-109 Detox Holding Cell.pdf, HQ-109 A  
Detox Holding Cell.pdf

**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

THIS REPORT IS THE PROPERTY OF THE TEXAS RANGERS. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.			
PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S5
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	08/14/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	06/30/2021
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	07/06/2021
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50186264
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	ELIZONDO MORTUARY AND CREMATION SERVICE 3220 NORTH CONWAY AVENUE MISSION, TEXAS HIDALGO US - UNITED STATES OF AMERICA (USA) 78574	AREA:	MCALLEN

**SYNOPSIS**

On 08-14-20, I, Company "D" Texas Ranger Donato E. Vela, attended the autopsy of Alberto Pena H/M DOB 02-15-1990 at Elizondo Mortuary and Cremation Service in Mission, Texas.

**DETAILS**

- 5.1 Autopsy of Alberto Pena H/M DOB 02-15-1990 at Elizondo Mortuary and Cremation Service Funeral Home 3220 North Conway Avenue Mission, Texas 78574.
- 5.2 At approximately 6:00 PM, I arrived at Elizondo's Funeral Home and entered the examining room. Present during the autopsy was Doctor Fulgencio Salinas, Assistant Raul Elizondo, Medical Technician Ruth Casarez, and I (Autopsy Case No. A20-20).
- 5.3 I observed the deceased nude body of Alberto Pena lying on the observation metal table being prep for the autopsy. Alberto had an endotracheal tube in his mouth, a hospital Identification band on his right wrist, and wearing dark socks.
- 5.4 Dr. Salinas conducted the autopsy, which began at approximately 6:15 PM and

concluded at approximately 7:00 PM. Upon completion of the autopsy, Dr. Salinas informed me of the following information:

- Cause of Death- Cardiorespiratory Arrest While Under the Influence of Mixed Drugs
- Manner of Death-Accidental

5.5 For complete details, refer to Dr. Salinas Preliminary Autopsy Report, hereafter refers to as Exhibit # 5.01.

5.6 I also obtained a copy of the Justice of the Peace Luis Garcia Authority for Autopsy Form hereafter refers to as Exhibit # 5.02.

5.7 I used my issued Nikon D7100 digital camera and took 49 photographs (DSC\_2217.JPG through DSC\_2265.JPG) to document the autopsy. I later downloaded the pictures onto a DVD-R compact disc hereafter refers to as Exhibit # 5.03. I collected no physical evidence during the autopsy.

5.8 At approximately 7:25 PM, I departed the Mortuary and traveled to the Starr County Sheriff's Office (SCSO) to continue with the investigation.

5.9 This investigation will continue.

#### INVOLVED LOCATIONS

**Elizondo Mortuary and Cremation Service**  
**3220 North Conway Avenue**  
Mission, TX 78574

#### INVOLVED

**Pena, Alberto - White/Male - 02/15/1990**

Hair: Black	Eyes: Brown	Weight: 265 lbs	Height: 5' 11"
SSN: 309-08-0699	SID: 07081133	DL#:	DL State: TX

**PERSONNEL**

**Donato Vela, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 715-3653

**Fulgencio Salinas, Dr. Pathologist ,**  
Elizondo Mortuary and Cremation Service  
3220 North Conway Avenue Mission, Texas 78574

**Raul Elizondo, Assistant,**  
Elizondo Mortuary and Cremation Service  
3220 North Conway Avenue Mission, Texas 78574

**Ruth Casarez, Assistant,**  
Elizondo Mortuary and Cremation Service  
3220 North Conway Avenue Mission, Texas 78574

**Attachment Name(s):**

Property Log 5.pdf, Dr. Salinas Preliminary Report.pdf, JP Luis Garcia Authority For Autopsy.pdf

**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

THIS REPORT IS THE PROPERTY OF THE TEXAS RANGERS. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.			
PREPARED BY:	ELIAS ESCALON	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S6
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/09/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	09/15/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	09/27/2020
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50187002
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Joel Garza, W/M, DOB: 05-28-1999, in regards to the ongoing custodial death investigation.

**DETAILS**

- 6.1 On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Starr County Detention Officer Joel Garza, W/M, DOB: 05-28-1999, at the Starr County Sheriff's Office, in regards to the ongoing custodial death investigation.
- 6.2 The following summary does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion. Exhibit 6.1 contains a verbatim account of the interview.
- 6.3 I informed Garza for the reason of the interview and asked Garza to provide his statement of the events, which occurred on the date of the custodial death.
- 6.4 A summary of Garza's statement is as follows: Garza stated that he was performing his routine duties when his supervisor informed him to stop what he was doing since they had a "rowdy" inmate on the way to the jail.
- 6.5 A summary of Garza's statement continues: Garza stated that the inmate

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07/01/2021 14:42

arrived, but he was very calm. Garza stated that the inmate just appeared drunk. Garza stated that the inmate appeared very drunk and cried at times. Garza stated that he even had some conversations with the inmate during the booking process. Garza placed the inmate in "detox" and continued with his duties.

- 6.6 A summary of Garza's statement continues: Garza stated that he later heard loud banging. Garza's supervisor asked Garza to report to the front picket. Garza responded to the front and that is where Garza found out that the inmate was banging his head on the door.
- 6.7 A summary of Garza's statement continues: Garza and Detention Officer Javier Gonzalez, W/M, DOB: 06-05-1995, spoke to the inmate and told the inmate that he could not be doing that. Garza stated that the inmate was requesting to call his son. Garza stated that they told the inmate to act right and they would allow him to call his son.
- 6.8 A summary of Garza's statement continues: Garza stated that the inmate was walking around inside the cell. Garza stated that he later heard that the inmate made a threat toward Detention Officer Gonzalez and stated that he was going to hurt him, because Gonzalez made some comments toward him. Garza stated that they reported the threat to Gonzalez and the shift supervisor.
- 6.9 A summary of Garza's statement continues: Garza stated that they approached the cell and noticed that the inmate was being aggressive. Garza stated that Detention Officer Gonzalez gave the inmate commands to back up. Garza stated that Detention Officer Gonzalez "maced" the inmate and the inmate went to the ground and they restrained the inmate. Garza stated that, prior to making contact, the inmate was banging his head again to the point where the inmate fell to the ground and was hurting himself.
- 6.10 A summary of Garza's statement continues: Garza stated that they cuffed the inmate and wrapped him so he would not hurt himself. Garza stated that they placed the inmate back in the detox room. Garza stated that the inmate was sitting there screaming. Garza stated that he checked on the inmate prior to shift change and noticed that the inmate was almost out of the chair. Garza entered the cell and re-positioned the inmate so he could be comfortable. Garza stated that he also gave the inmate some water. Garza stated that his shift ended at this point.

**DPS SENSITIVE**

07/01/2021 14:42

- 6.11 A summary of Garza's statement continues: I asked Garza if the inmate was by himself while in the detox room and Garza stated that the inmate was by himself. I asked Garza if the inmate attempted to follow through with the threats against Detention Officer Gonzalez. Garza stated that the inmate was in an aggressive stance and the inmate was not complying.
- 6.12 A summary of Garza's statement continues: I asked Garza who sprayed the inmate and if the spray was effective. Garza stated that Detention Officer Gonzalez sprayed the inmate and stated that the spray was not effective. Garza stated that the inmate was still resisting, but not that much.
- 6.13 A summary of Garza's statement continues: I asked Garza to explain how the wrap restraint is used. Garza stated that the wrap is a three-piece restraint with a Velcro strap that wraps around the ankles, one around the knee/legs area, and an upper body wrap. Once wrapped, they place the inmate in a chair.
- 6.14 A summary of Garza's statement continues: I asked Garza if he checked on the inmate before he left. Garza stated that he did check on him at approximately 7:55 p.m.
- 6.15 A summary of Garza's statement continues: I asked Garza if he had anything else he wanted to add and he stated that he did not. The interview terminated. I later identified the inmate as Alberto Pena, W/M, DOB: 02-15-1990.
- 6.16 I have attached the following exhibits to this report:
- 6.17 Exhibit 6.1 - Digital audio and video statement taken from Garza

**INVOLVED LOCATIONS**

**Starr County Adult Detention Center**  
**102 E. 6th Street**  
Rio Grande City, TX 78582

*DPS SENSITIVE*

07/01/2021 14:42

Hair: Black	Eyes: Brown	Weight: 265 lbs	Height: 5' 11"
SSN: 309-08-0699	SID: 07081133	DL#:	DL State: TX

Hair:	Eyes:	Weight:	Height:
SSN:	SID:	DL#:	DL State: TX
Work: 956-487-5571			

Texas Dept of Public Safety  
(956) 565-7653

<b>Status:</b>	<b>Requested/Authorized By:</b>	<b>Date/Time:</b>
No Final Disposition Required		09/16/2020 1215

**END OF REPORT**

07/01/2021 14:42



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	ELIAS ESCALON	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S7
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/09/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	09/15/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	09/27/2020
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50187005
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Javier Gonzalez, W/M, DOB: 06-05-1995, in regards to the ongoing custodial death investigation.

**DETAILS**

- 7.1 On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Starr County Detention Officer Javier Gonzalez, W/M, DOB: 06-05-1995, at the Starr County Sheriff's Office, in regards to the ongoing custodial death investigation.
- 7.2 The following summary does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion. Exhibit 7.1 contains a verbatim account of the interview.
- 7.3 I informed Gonzalez for the reason of the interview and asked Gonzalez to provide his statement of the events, which occurred on the date of the custodial death.
- 7.4 A summary of Gonzalez' statement is as follows: Gonzalez was working an 8a-5p shift. Gonzalez was doing the inmate checks, which they do at 18-minute intervals. Gonzalez stated that an inmate in the front max started hitting the door. Gonzalez warned the individual to stop hitting the door, or they would have to put him in restraints. Gonzalez stated that he spoke to Detention Sergeant Hector Lopez III, W/M, DOB: 02-02-1999, and informed him of the inmate hitting

**DPS SENSITIVE**

07/01/2021 14:44

the door. The inmate began hitting the door again, which prompted them to restrain the inmate. Garza stated that the inmate remained in restraints for a few hours and then they removed the restraints, and the inmate no longer struck the doors. This was a different inmate.

7.5 A summary of Gonzalez' statement continues: Gonzalez stated that he left the jail to go pick up a package. Gonzalez stated that he returned and inmate Alberto Pena, W/M, DOB: 02-15-1990, was being booked and the inmate appeared calm. Gonzalez stated that he assisted the medical officer at the jail with inmates that needed to see the doctor.

7.6 A summary of Gonzalez' statement continues: Gonzalez stated that he was assisting the medical officer when Gonzalez heard loud banging. Gonzalez stated that Sergeant Lopez requested assistance at the front picket. Gonzalez responded to the front picket and observed Sergeant Lopez and Detention Officer Joel Garza, W/M, DOB: 05-28-1999, picking up the inmate from the floor in the detox room.

7.7 A summary of Gonzalez' statement continues: Gonzalez asked Sergeant Lopez what happened and Sergeant Lopez stated that the inmate was hitting himself and knocked himself out. Gonzalez stated that they were talking to the inmate and asking him to calm down if he wanted to go home. Gonzalez observed that the inmate had red bloodshot eyes, was dripping in sweat, and was mumbling his words.

7.8 A summary of Gonzalez' statement continues: Gonzalez stated that he returned to assist the medical officer. Gonzalez returned to regular duty and told Sergeant Lopez that he would be staying until six o'clock. At approximately 5:45 p.m., the inmate began hitting the walls with his head again.

7.9 A summary of Gonzalez' statement continues: Gonzalez spoke to the inmate and told him to stop hitting himself. Gonzalez informed the inmate that they could not be released if he continued to hit himself. Gonzalez told the inmate that they would have to restrain him if he continued to hit himself.

7.10 A summary of Gonzalez' statement continues: Gonzalez stated that he stepped outside with Sergeant Lopez, before ending his shift. Gonzalez stated that he heard over the radio that the inmate threatened Gonzalez. Gonzalez and Sergeant Lopez went inside the jail and Sergeant Lopez made the decision to

**DPS SENSITIVE**

07/01/2021 14:44

place the inmate in a wrap restraint. Gonzalez stated that the inmate was liable to hurt other detention officers, since the inmate already made a threat to him.

- 7.11 A summary of Gonzalez' statement continues: Gonzalez stated that the inmate did not follow verbal commands. Gonzalez deployed the pepper spray. Gonzalez stated that the canister was almost empty and only got spray on the inmates left arm. Gonzalez stated that he instructed the inmate to kneel down on the floor so they could apply the restraints. Gonzalez stated that he had to take the inmate to the ground since the inmate was not listening to verbal commands. Gonzalez stated that they restrained the inmate with the wrap restraint and placed the inmate on a chair and back in the detox cell.
- 7.12 A summary of Gonzalez' statement continues: I asked Gonzalez about the procedure they follow to check on the inmates. Gonzalez stated that they have a timer that reminds them to check on the inmates every 18 minutes. Gonzalez stated that they check on restrained inmates every 15 minutes. Gonzalez stated that they log down when they check on the inmates.
- 7.13 A summary of Gonzalez' statement continues: I asked Gonzalez to explain how the wrap restraint is used. Gonzalez stated that there are three parts to the wrap. Gonzalez stated that one strap goes around the feet and another strap goes around the legs. A vest with chest straps secures the inmate's arms. Gonzalez stated that they placed the vest on the inmate, with his hands handcuffed behind his back.
- 7.14 A summary of Gonzalez' statement continues: I asked Gonzalez if he had anything else he wanted to add. Gonzalez noticed that something was wrong with the inmate. Gonzalez stated that he knew the inmate was intoxicated, but he did not know on what. Gonzalez stated that the inmate was sweating excessively. Gonzalez stated that he could not smell alcohol on the inmate.
- 7.15 A summary of Gonzalez' statement continues: I asked Gonzalez if he had anything else he wanted to add. Gonzalez did not have anything else to add. The interview terminated.
- 7.16 I have attached the following exhibits to this report:

*DPS SENSITIVE*

07/01/2021 14:44

7.17 Exhibit 7.1 - Digital audio and video recording of Gonzalez' statement.

**INVOLVED LOCATIONS**

**Starr County Adult Detention Center**  
**102 E. 6th Street**  
Rio Grande City, TX 78582  
Jail / Prison

**VICTIMS**

**Pena, Alberto - White/Male - 02/15/1990**

Hair:	Eyes:	Weight:	Height:
SSN: 309-08-0699	SID: 07081133	DL#:	DL State: TX

**INVOLVED**

**Lopez, Hector III - White/Male - 02/02/1999**

Hair:	Eyes:	Weight:	Height:
SSN:	SID:	DL#:	DL State: TX
Work: 956-487-5571			

**Garza, Joel - White/Male - 05/28/1999**

Hair:	Eyes:	Weight:	Height:
SSN:	SID:	DL#:	DL State: TX

**Gonzalez, Javier - White/Male - 06/05/1995**

Hair:	Eyes:	Weight:	Height:
SSN:	SID:	DL#:	DL State: TX

**PERSONNEL**

**Elias Escalon, Texas Rangers "D"**

Texas Dept of Public Safety  
(956) 565-7653

**EVIDENCE**

**S7.P1 Evidence:** Witness Statement Audio and/or Video recording  
(statement)

**Seizure Date:** 09/09/2020

**Description:** Exhibit 7.1 - Digital audio and video statement taken from  
Javier Gonzalez

**Address:** , TX

**DPS SENSITIVE**

07/01/2021 14:44

By: Elias Escalon

**Disposition:**

Status:	Requested/Authorized By:	Date/Time:
No Final Disposition Required		09/16/2020 1246

**Attachment Name(s):**

Property Log Supp #7.pdf

*END OF REPORT*

**DPS SENSITIVE**

07/01/2021 14:44

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

THIS REPORT IS THE PROPERTY OF THE TEXAS RANGERS. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.			
PREPARED BY:	ELIAS ESCALON	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S8
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/09/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	09/15/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	09/30/2020
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50187007
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Hector Lopez III, W/M, DOB: 02-02-1999, in regards to the ongoing custodial death investigation.

**DETAILS**

- 8.1 On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Starr County Detention Center Sergeant Hector Lopez III, W/M, DOB: 02-02-1999, at the Starr County Sheriff's Office, in regards to the ongoing custodial death investigation.
- 8.2 The following summary does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion. Exhibit 8.1 contains a verbatim account of the interview.
- 8.3 I informed Lopez for the reason of the interview and asked Lopez to provide his statement of the events, which occurred on the date of the custodial death.
- 8.4 A summary of Lopez' statement is as follows: Lopez stated that dispatch notified the jail that patrol was transporting a "rowdy" prisoner to the jail. Lopez stated that he was in the sally port when the inmate arrived. Lopez stated that the inmate did not present himself as "rowdy". Lopez stated that individuals are at times uncooperative with the arresting officer, but not with the jail personnel.

DPS SENSITIVE

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- 8.5 A summary of Lopez' statement continues: Lopez stated that he stepped out once he noticed that the prisoner was cooperating. Lopez stated that he could smell the alcohol on the inmate.
- 8.6 A summary of Lopez' statement continues: Lopez stated that approximately 5:30 p.m., the inmate began hitting himself on the head 15 times in a row. Lopez requested assistance from Detention Officer Joel Garza, W/M, DOB: 05-28-1999, and Detention Officer Javier Gonzalez, W/M, DOB: 06-05-1995.
- 8.7 A summary of Lopez' statement continues: Lopez stated that the inmate would calm down when they would enter the cell. Lopez stated that he helped the inmate up from the floor. Lopez stated that the inmate had not lost consciousness when he hit the cell. Lopez stated that he would have sent the inmate for medical attention if he believed the inmate had lost consciousness.
- 8.8 A summary of Lopez' statement continues: Lopez stated that he stepped outside along with Detention Officer Gonzalez. Lopez stated that another Detention Officer informed him of threats made by the inmate toward Detention Officer Gonzalez. Lopez stated that they gave the inmate too many chances and he could not risk the inmate hurting himself or his staff.
- 8.9 A summary of Lopez' statement continues: Lopez made the decision to place the inmate in a wrap restraint. Lopez stated that Detention Officers Garza and Gonzalez made contact with the inmate and put him in restraints. Detention Officers Garza and Gonzalez restrained the inmate and placed him on a chair and the chair was placed in the detox room.
- 8.10 A summary of Lopez' statement continues: Lopez stated that the jail personnel continued the timed prisoner checks. Lopez stated that approximately 7:45 p.m., he noticed that the inmate had moved from the sitting position and had his feet up in the air. Lopez asked the Detention Officers to tend to the inmate. Lopez stated that the Officers tended to the inmate and even gave him some water.
- 8.11 A summary of Lopez' statement continues: Lopez stated that the evening shift arrived and took over while the day shift left. I asked Lopez for the inmates name and he stated that his name was Alberto Pena, W/M, DOB: 02-15-1990.

*DPS SENSITIVE*

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- 8.12 A summary of Lopez' statement continues: I asked Lopez if there are video cameras in the cell and in the hallway. Lopez stated that there is video, which captured the inmate. Lopez stated that he reviewed the video. I asked if the inmate was still conscious before Lopez left the jail. Lopez stated that the inmate was still conscious, because that was when he asked the detention officer to tend to the inmate. I asked Lopez if the inmate sustained any injuries from hitting the cell. Lopez stated that the inmate had no physical bruises or cuts.
- 8.13 A summary of Lopez' statement continues: I asked Lopez if there is a time limit for an inmate to be in restraints. Lopez stated that he is not sure, but believes it is four hours. I asked Lopez if he had anything else to add and he stated that he did not. The interview terminated.
- 8.14 I have attached the following exhibits to this report:
- 8.15 Exhibit 8.1 - Digital audio and video statement taken from Lopez.

**PERSONNEL**

**Elias Escalon, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 565-7653

**EVIDENCE**

**S8.P1 Evidence:** Witness Statement Audio and/or Video recording  
(statement)  
**Seizure Date:** 09/09/2020  
**Description:** Exhibit 8.1 - Digital audio and video statement taken from  
Hector Lopez  
**Address:** , TX  
**By:** Elias Escalon

**Disposition:**

**DPS SENSITIVE**

07/01/2021 14:47



Status:	Requested/Authorized By:	Date/Time:
No Final Disposition Required		09/16/2020 1255

**Attachment Name(s):**

Property Log Supp #8.pdf

*END OF REPORT**DPS SENSITIVE*

07/01/2021 14:47

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

THIS REPORT IS THE PROPERTY OF THE TEXAS RANGERS. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.			
PREPARED BY:	ELIAS ESCALON	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S9
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/09/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	09/15/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	09/27/2020
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50187009
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Cesar Arturo Juarez Jr., W/M, DOB: 03-03-1998, in regards to the ongoing custodial death investigation.

**DETAILS**

- 9.1 On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Starr County Detention Officer Cesar Arturo Juarez Jr., W/M, DOB: 03-03-1998, at the Starr County Sheriff's Office, in regards to the ongoing custodial death investigation.
- 9.2 The following summary does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion. Exhibit 9.1 contains a verbatim account of the interview.
- 9.3 I informed Juarez for the reason of the interview and asked Juarez to provide his statement of the events, which occurred on the date of the custodial death.
- 9.4 A summary of Juarez' statement is as follows: Juarez stated that he was working the B shift, which comes on duty at 8 p.m. Juarez stated that he looked into the window and could hear the inmate screaming.

DPS SENSITIVE

07/01/2021 14:50

- 9.5 A summary of Juarez' statement continues: Juarez stated that he clocked in and they were doing their checks every 18 minutes. Juarez stated that the inmate was doing ok on the first check. On the second check, Juarez was in the picket, looked through the window, and saw that the inmate was on the floor. Juarez informed the Sergeant that the inmate was on the floor. Juarez assisted the inmate up and the inmate was asking for water. Juarez stated that the inmate was very sweaty and his body felt hot.
- 9.6 A summary of Juarez' statement continues: Juarez helped the inmate up and placed him back on the chair. Juarez stated that two checkings passed when Detention Officer Emilio Garza, W/M, DOB: 01-04-2000, informed him that the inmate had foam in his mouth. Juarez responded to the detox room and noticed foam coming from the inmate's mouth. Juarez noticed that the inmate had a purple tint.
- 9.7 A summary of Juarez' statement continues: Juarez stated that they placed the inmate on the floor, removed the restraints, and began CPR. Juarez stated that the inmates face looked purple and his color changed as they continued CPR. Juarez stated that they continued CPR until EMS arrived and took over care of the inmate.
- 9.8 A summary of Juarez' statement continues: Juarez stated that they assisted EMS carry the inmate onto the stretcher. I asked Juarez if the inmate was still in the chair when he was foaming from the mouth. Juarez stated that he was still sitting in the chair with his head tilted to the side.
- 9.9 A summary of Juarez' statement continues: I asked Juarez if the inmate told him anything. Juarez stated that he remembers the inmate asking for water. I asked Juarez if he noticed any injuries on the inmate and he stated that he did not notice any injuries.
- 9.10 A summary of Juarez' statement continues: I asked Juarez if he had anything else to add and he stated that he did not, so we terminated the interview at this point.
- 9.11 I have attached the following exhibits to this report:

*DPS SENSITIVE*

07/01/2021 14:50

9.12 Exhibit 9.1 - Digital audio and video statement taken from Juarez

**INVOLVED**

**Juarez, Cesar Arturo Jr - White/Male - 03/03/1998**

Hair: Eyes: Weight: Height:  
SSN: SID: DL#: DL State: TX  
Work: 956-487-5571

**Garza, Emilio - White/Male - 01/04/2000**

Hair: Eyes: Weight: Height:  
SSN: SID: DL#: DL State: TX  
Work: 956-487-5571

**PERSONNEL**

**Elias Escalon, Texas Rangers "D"**

Texas Dept of Public Safety  
(956) 565-7653

**EVIDENCE**

**S9.P1 Evidence:** Witness Statement Audio and/or Video recording  
(statement)

**Seizure Date:** 09/09/2020

**Description:** Exhibit 9.1 - Digital audio and video statement taken from  
Cesar A. Juarez Jr.

**Address:** , TX

**By:** Elias Escalon

**Disposition:**

Status:	Requested/Authorized By:	Date/Time:
No Final Disposition Required		09/16/2020 1313

**Attachment Name(s):**

Property Log Supp #9.pdf

**END OF REPORT**

**DPS SENSITIVE**

07/01/2021 14:50

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

THIS REPORT IS THE PROPERTY OF THE TEXAS RANGERS. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.			
PREPARED BY:	ELIAS ESCALON	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S10
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/09/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	09/15/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	09/27/2020
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50187011
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Anna Cecilia Gracia, W/F, DOB: 11-10-1995, in regards to the ongoing custodial death investigation.

**DETAILS**

- 10.1 On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Starr County Detention Officer Anna Cecilia Gracia, W/F, DOB: 11-10-1995, at the Starr County Sheriff's Office, in regards to the ongoing custodial death investigation.
- 10.2 The following summary does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion. Exhibit 10.1 contains a verbatim account of the interview.
- 10.3 I informed Gracia for the reason of the interview and asked Gracia to provide her statement of the events, which occurred on the date of the custodial death.
- 10.4 A summary of Gracia's statement is as follows: Gracia stated that dispatch called and informed them that they were bringing a "rowdy" inmate. Gracia stated that the inmate was booked in and placed in the detox cell. Gracia stated that the inmate kept pushing the intercom button and requesting a phone call.

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- 10.5 A summary of Gracia's statement continues: Gracia stated that the inmate started hitting himself on the door with his head at approximately 5 o'clock. At approximately 6:30 p.m., the inmate began requesting a phone call again and Gracia noticed that the inmate was sweating profusely. Gracia spoke to the inmate and he calmed down.
- 10.6 A summary of Gracia's statement continues: Gracia stated that he started hitting himself on his head again and the inmate fell to the floor. The inmate started screaming again at around 6:50 p.m. Gracia stated that another detention officer spoke to the inmate and asked the inmate to calm down.
- 10.7 A summary of Gracia's statement continues: Gracia stated that the inmate asked for one of the detention officers and stated that he was going to kill him when he gets out of jail. Gracia forwarded the message and threats to Detention Officer Javier Gonzalez, W/M, DOB: 06-05-1995, and Sergeant Hector Lopez III, W/M, DOB: 02-02-1999. Gracia stated that the inmate started kicking the cell door again.
- 10.8 A summary of Gracia's statement continues: Gracia stated that Detention Officer Gonzalez and Sergeant Lopez entered and made contact with the inmate. Gracia stated that they restrained the inmate for his safety. I asked Gracia who the inmate was. Gracia stated that the inmate was Alberto Pena, W/M, DOB: 02-15-1990.
- 10.9 A summary of Gracia's statement continues: I asked Gracia if she saw the inmate fall out of the chair. Gracia stated that she did not see him fall off the chair. Gracia stated that she was in the picket, which is the central secured area with visual access to the inmates.
- 10.10 A summary of Gracia's statement continues: I asked Gracia if she wanted to add anything else. Gracia stated that she mainly works in the picket answering calls and opening doors. The interview terminated.
- 10.11 I have attached the following exhibits to this report:
- 10.12 Exhibit 10.1 - Digital audio and video statement taken from Gracia.

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**WITNESSES**

**Gracia, Anna Cecilia - White/Female - 11/10/1995**  
Work: 956-487-5571

**PERSONNEL**

**Elias Escalon, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 565-7653

**EVIDENCE**

**S10.P1 Evidence:** Witness Statement Audio and/or Video recording  
(statement)  
**Seizure Date:** 09/09/2020  
**Description:** Exhibit 10.1 - Digital audio and video statement taken from  
Anna C. Gracia  
**Address:** , TX  
**By:** Elias Escalon

**Disposition:**

<b>Status:</b>	<b>Requested/Authorized By:</b>	<b>Date/Time:</b>
No Final Disposition Required		09/16/2020 1332

**Attachment Name(s):**

Property Log Supp #10.pdf

**END OF REPORT**

**DPS SENSITIVE**

07/01/2021 14:52

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	ELIAS ESCALON	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S11
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/09/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	09/15/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	09/27/2020
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50187012
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Ubaldo Suarez III, W/M, DOB: 06-13-1995, in regards to the ongoing custodial death investigation.

**DETAILS**

- 11.1 On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Starr County Detention Officer Ubaldo Suarez III, W/M, DOB: 06-13-1995, at the Starr County Sheriff's Office, in regards to the ongoing custodial death investigation.
- 11.2 The following summary does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion. Exhibit 11.1 contains a verbatim account of the interview.
- 11.3 I informed Suarez for the reason of the interview and asked Suarez to provide a statement of the events, which occurred on the date of the custodial death.
- 11.4 A summary of Suarez' statement is as follows: Suarez stated that he was working the B Shift, which begins at 8 pm. Suarez stated that A Shift was leaving and informed them of the "traffic".
- 11.5 A summary of Suarez' statement continues: Suarez stated that they saw inmate

**DPS SENSITIVE**

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Alberto Pena, W/M, DOB: 02-15-1990, on the floor and out of the wrap. Suarez stated that Sergeant Evelario Isaac Garza, W/M, DOB: 07-20-1995, Detention Officers Cesar Arturo Juarez Jr., W/M, DOB: 03-03-1998, Emilio Garza, W/M, DOB: 01-04-2000, and Jesus Barrera, W/M, DOB: 08-21-1985, and himself entered the detox cell to place the inmate back on the vehicle/chair.

- 11.6 A summary of Suarez' statement continues: Suarez stated that the inmate became belligerent again after a few minutes. Suarez stated that another inmate spoke to Pena in an effort to calm him down, but it was unsuccessful.
- 11.7 A summary of Suarez' statement continues: Suarez did his round and noticed that inmate Pena was still moving. Suarez stated that Detention Officer Garza did the next round. Detention Officer Garza informed them that inmate Pena did not look right. Suarez stated that they checked on Pena and Suarez noticed that Pena had foam coming from his mouth and his lips looked blue. Suarez stated that they unrestrained Pena and he started CPR on Pena.
- 11.8 A summary of Suarez' statement continues: Suarez stated that they continued CPR until EMS arrived and transported him to the hospital.
- 11.9 A summary of Suarez' statement continues: Suarez stated that Pena was very sweaty and slimy, with cold sweat. Suarez stated that he believes that Pena was on something because of the way he was acting.
- 11.10 A summary of Suarez' statement continues: I asked Suarez if he had anything else he wanted to add and he stated that he did not have anything else. The interview terminated.
- 11.11 I have attached the following exhibits to this report:
- 11.12 Exhibit 11.1 - Digital audio and video statement taken from Suarez.

**DPS SENSITIVE**

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**INVOLVED****Suarez, Ubaldo III - White/Male - 06/13/1995**

Hair: Eyes: Weight: Height:  
SSN: SID: DL#: DL State: TX  
Work: 956-487-5571

**Garza, Evelario Isaac - White/Male - 07/20/1995**

Hair: Eyes: Weight: Height:  
SSN: SID: DL#: DL State: TX  
Work: 956-487-5571

**Barrera, Jesus Jr - White/Male - 08/21/1985**

Hair: Eyes: Weight: Height:  
SSN: SID: DL#: DL State: TX  
Work: 956-487-5571

**PERSONNEL****Elias Escalon, Texas Rangers "D"**

Texas Dept of Public Safety  
(956) 565-7653

**EVIDENCE**

**S11.P1 Evidence:** Witness Statement Audio and/or Video recording  
(statement)

**Seizure Date:** 09/09/2020

**Description:** Exhibit 11.1 - Digital audio and video statement taken from  
Ubaldo Juarez

**Address:** , TX

**By:** Elias Escalon

**Disposition:**

Status:	Requested/Authorized By:	Date/Time:
No Final Disposition Required		09/16/2020 1451

**Attachment Name(s):**

Property Log Supp #11.pdf

**END OF REPORT**

**DPS SENSITIVE**

07/01/2021 14:54

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	ELIAS ESCALON	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S12
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/09/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	09/15/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	09/30/2020
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50187013
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Evelario Isaac Garza, W/M, DOB: 07-20-1995, in regards to the ongoing custodial death investigation.

**DETAILS**

- 12.1 On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Starr County Detention Center Sergeant Evelario Isaac Garza, W/M, DOB: 07-20-1995, at the Starr County Sheriff's Office, in regards to the ongoing custodial death investigation.
- 12.2 The following summary does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion. Exhibit 12.1 contains a verbatim account of the interview.
- 12.3 I informed Garza for the reason of the interview and asked Garza to provide a statement of the events which occurred on the date of the custodial death.
- 12.4 A summary of Garza's statement is as follows: Garza stated that his shift is from 8p-8a. Garza met with Sergeant Hector Lopez III, W/M, DOB: 02-02-1999, prior to the shift and was briefed by Lopez in regards to the aggressive inmate. Garza stated that he could hear the inmate yelling inside the jail. The inmate is Alberto Pena, W/M, DOB: 02-15-1990.

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07/01/2021 14:56

- 12.5 A summary of Garza's statement continues: Garza stated that they started the shift and proceeded with their routine duties, which one consists of periodic prisoner checks. Garza stated that he observes his crew while they work.
- 12.6 A summary of Garza's statement continues: Garza stated that another inmate asked to speak to inmate Pena in an attempt to calm him down. The inmate spoke to Pena, but was not successful in calming him down.
- 12.7 A summary of Garza's statement continues: Garza stated that he was in the restroom when he heard someone calling him, but he could not decipher the communication over the radio. Garza rushed out of the restroom and noticed several of his personnel in the detox cell.
- 12.8 A summary of Garza's statement continues: Garza observed the jail personnel removing Pena from the rack and removing the restraints. Garza stated that Ubaldo Suarez III, W/M, DOB: 06-13-1995, initiated CPR on Pena, while Garza held Pena's head. Garza stated that Cesar Arturo Juarez Jr., W/M, DOB: 03-03-1998, stepped in for him so he could begin notifying EMS and his administration. Detention Officer Jesus Barrera Jr., W/M, DOB: 08-21-1985, was also assisting with CPR.
- 12.9 A summary of Garza's statement continues: Garza stated that the guards continued to administer CPR until fire department and EMS arrived. EMS arrived and the detention officers assisted EMS place Pena on the stretcher. Garza had Detention Officers Barrera and Emilio Garza, W/M, DOB: 01-04-2000, accompany EMS to the hospital.
- 12.10 A summary of Garza's statement continues: I asked Garza if he made contact with inmate Pena prior to the incident. Garza stated that he had talked to Pena and asked him to calm down and they could remove the restraints. Garza stated that Pena asked for water and one of the guards gave him some water to drink. Garza stated that Pena seemed scared and was asking Garza to stay with him in the cell.
- 12.11 A summary of Garza's statement continues: I asked Garza how they discovered that Pena was in distress. Garza stated that Detention Officer Garza was doing their routine checks when he noticed Pena in distress. I asked Garza if he had

*DPS SENSITIVE*

07/01/2021 14:56

anything else to add and he stated that he did not. The interview terminated.

12.12 I have attached the following exhibits to this report:

12.13 Exhibit 12.1 - Digital audio and video statement taken from Garza.

#### **PERSONNEL**

**Elias Escalon, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 565-7653

#### **EVIDENCE**

**S12.P1 Evidence:** Witness Statement Audio and/or Video recording  
(statement)  
**Seizure Date:** 09/09/2020  
**Description:** Exhibit 12.1 - Digital audio and video statement taken from  
Evelario I. Garza  
**Address:** , TX  
**By:** Elias Escalon

**Disposition:**

Status:	Requested/Authorized By:	Date/Time:
No Final Disposition Required		09/16/2020 1604

#### **Attachment Name(s):**

Property Log Supp #12.pdf

**END OF REPORT**

**DPS SENSITIVE**

07/01/2021 14:56

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	ELIAS ESCALON	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S13
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/09/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	09/15/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	09/27/2020
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50187014
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Emilio Garza, W/M, DOB: 01-04-2000, in regards to the ongoing custodial death investigation.

**DETAILS**

- 13.1 On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Starr County Detention Officer Emilio Garza, W/M, DOB: 01-04-2000, at the Starr County Sheriff's Office, in regards to the ongoing custodial death investigation.
- 13.2 The following summary does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion. Exhibit 13.1 contains a verbatim account of the interview.
- 13.3 I informed Garza for the reason of the interview and asked Garza to provide a statement of the events, which occurred on the date of the custodial death.
- 13.4 A summary of Garza's statement is as follows: Garza stated that the inmate was in the wrap restraints and was asking for water. Garza stated that they assisted the inmate and loosened up the handcuffs and gave him some water. Garza stated that the inmate wanted the restraints removed, but Garza stated that the inmate was still being aggressive toward the officers. The inmate is Alberto Pena, W/M, DOB: 02-15-1990.

DPS SENSITIVE

07/01/2021 14:59

- 13.5 A summary of Garza's statement continues: Garza stated that another officer had finished doing the "wand" checks on the prisoners. Garza stated that it was his turn to do the checks.
- 13.6 A summary of Garza's statement continues: Garza stated that he checked on Pena and looked closely at Pena. Garza stated that Pena was just sitting there and Garza was trying to see if Pena was breathing. Garza went on to the next cell, but came back to double check on Pena. Garza stated that he could not tell if he was breathing so he looked from a different position and that was when Garza noticed that Pena was foaming from the mouth. Garza notified the other guards at this point.
- 13.7 A summary of Garza's statement continues: Garza stated that they entered the cell and noticed that Pena was pale. Garza stated that they took off the restraints and started compressions. Garza stated that he was checking for Pena's pulse and began looking for medical supplies. Garza stated that Pena did not have a pulse, but later detected a faint pulse when the officers were doing compressions.
- 13.8 A summary of Garza's statement continues: Garza stated that EMS arrived and took over. Garza stated that they assisted EMS with placing Pena on the stretcher. Garza stated that he followed the ambulance to the hospital.
- 13.9 A summary of Garza's statement continues: I asked Garza about the contact he had with Pena. Garza stated that Pena was screaming and incoherent the first time they met with Pena. I asked Garza why they went in the cell. Garza stated that Pena had been moving a lot and he fell off the cart, so they went in the cell to put him back on the cart. Garza stated that they loosened the cuffs and gave him some water.
- 13.10 A summary of Garza's statement continues: I asked Garza if they have cameras in the jail and he stated that they do have cameras. Garza stated that he has not seen the video footage. Garza stated that Pena had been "maced" earlier and Pena was asking them to put water on his face and stated that his "ass" was burning.
- 13.11 A summary of Garza's statement continues: I asked Garza to explain Pena's

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speech. Garza stated that Pena's speech was slurred. Garza stated that Pena was saying bad words and was getting aggressive. I asked Garza if he had anything else he wanted to add and he stated that he did not, so we terminated the interview at this point.

13.12 I have attached the following exhibits to this report:

13.13 Exhibit 13.1 - Digital audio and video statement taken from Garza

#### PERSONNEL

**Elias Escalon, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 565-7653

#### EVIDENCE

**S13.P1 Evidence:** Witness Statement Audio and/or Video recording  
(statement)  
**Seizure Date:** 09/09/2020  
**Description:** Exhibit 13.1 - Digital audio and video statement taken from  
Emilio Garza  
**Address:** , TX  
**By:** Elias Escalon

**Disposition:**

Status:	Requested/Authorized By:	Date/Time:
No Final Disposition Required		09/16/2020 1620

#### Attachment Name(s):

Property Log Supp #13.pdf

*END OF REPORT*

*DPS SENSITIVE*

07/01/2021 14:59



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

THIS REPORT IS THE PROPERTY OF THE TEXAS RANGERS. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.			
PREPARED BY:	ELIAS ESCALON	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S14
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/09/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	09/15/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	09/27/2020
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50187016
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Ana Christina Gonzalez, H/F, DOB: 01-31-1995, in regards to the ongoing custodial death investigation.

**DETAILS**

- 14.1 On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Starr County Detention Officer Ana Christina Gonzalez, W/F, DOB: 01-31-1995, at the Starr County Sheriff's Office, in regards to the ongoing custodial death investigation.
- 14.2 The following summary does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion. Exhibit 14.1 contains a verbatim account of the interview.
- 14.3 I informed Gonzalez for the reason of the interview and asked Gonzalez to provide a statement of the events, which occurred on the date of the custodial death.
- 14.4 A summary of Gonzalez' statement is as follows: Gonzalez stated that she started her shift at 8 pm. Gonzalez was at the front picket doing her checks when a guard came to the picket and reported that an inmate was foaming from the mouth. Gonzalez stated that the guards responded to the cell to check on the inmate. Gonzalez opened the door to the cell from the front picket.

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07/01/2021 15:01

Gonzalez heard one of the guards request an ambulance, so Gonzalez called dispatch and requested an ambulance for an unresponsive inmate.

14.5 A summary of Gonzalez' statement continues: I asked Gonzalez what her duties were on this day. Gonzalez stated that she does the checks for female prisoners, opens doors, and answers phone calls from the front picket.

14.6 A summary of Gonzalez' statement continues: I asked Gonzalez if she has access to jail cameras from her location. Gonzalez stated that she has monitors in the front picket to look at the inmates. I asked Gonzalez if she was aware of inmate Alberto Pena, W/M, DOB: 02-15-1990, being in restraints. Gonzalez stated that she had already seen Pena in detox and in restraints when she started her shift.

14.7 A summary of Gonzalez' statement continues: I asked Gonzalez if she heard Pena yelling or kicking the door. Gonzalez stated that she did hear Pena yelling. Gonzalez stated that she could not understand what he was yelling. I asked Gonzalez if she had anything else to add and she stated that she did not, so we terminated the interview at this point.

14.8 I have attached the following exhibits to this report:

14.9 Exhibit 14.1 - Digital audio and video statement taken from Gonzalez

#### WITNESSES

**Gonzalez, Ana Christina - White/Female - 01/31/1995**  
Work: 956-487-5571

#### PERSONNEL

**Elias Escalon, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 565-7653

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07/01/2021 15:01

**EVIDENCE**

**S14.P1 Evidence:** Witness Statement Audio and/or Video recording  
(statement)

**Seizure Date:** 09/09/2020

**Description:** Exhibit 14.1 - Digital audio and video statement taken from  
Ana C. Gonzalez

**Address:** , TX

**By:** Elias Escalon

**Disposition:**

Status:	Requested/Authorized By:	Date/Time:
No Final Disposition Required		09/16/2020 1634

**Attachment Name(s):**

Property Log Supp #14.pdf

**END OF REPORT**

**DPS SENSITIVE**

07/01/2021 15:01

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	ELIAS ESCALON	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S15
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/09/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	09/15/2020
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	09/27/2020
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50187017
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Jesus Barrera Jr., W/M, DOB: 08-21-1985, in regards to the ongoing custodial death investigation.

**DETAILS**

- 15.1 On 09-09-2020, I, Company "D" Texas Ranger Elias Escalon interviewed Starr County Detention Officer Jesus Barrera Jr., W/M, DOB: 08-21-1985, at the Starr County Sheriff's Office, in regards to the ongoing custodial death investigation.
- 15.2 The following summary does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion. Exhibit 15.1 contains a verbatim account of the interview.
- 15.3 I informed Barrera for the reason of the interview and asked Barrera to provide a statement of the events, which occurred on the date of the custodial death.
- 15.4 A summary of Barrera's statement is as follows: Barrera stated that his first contact with the inmate was around 5 pm. Barrera stated that the inmate was in the detox cell, and he did not know why the inmate was in the detox cell. Barrera stated that the inmate got a little "rowdy" around 7 pm. Barrera stated that he heard that the inmate had struck the window, but he did not witness the inmate hitting the window. The inmate was later identified as Alberto Pena, W/M, DOB: 02-15-1990.

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- 15.5 A summary of Barrera's statement continues: Barrera stated that at one point he assisted the guards going into the detox cell. Barrera stated that he did not know why they went into the cell, but one of the officers spoke to inmate Pena and asked the inmate to calm down.
- 15.6 A summary of Barrera's statement continues: Barrera stated that he was present when the officers originally placed Pena in restraints, but was not sure why they placed him in the restraints.
- 15.7 A summary of Barrera's statement continues: Barrera stated that he went into the detox cell with another guard because Pena wiggled himself out of the chair. Barrera stated that Pena asked for water and Barrera gave the Pena some water with the approval of the sergeant. Barrera stated that Pena asked them to remove the restraints. Barrera stated that the sergeant asked Pena to calm down and they could remove the restraints.
- 15.8 A summary of Barrera's statement continues: Barrera stated that he could hear Pena yelling and being vulgar. Barrera stated that they were in the picket when Officer Emilio Garza, W/M, DOB: 01-04-2000, entered and asked for assistance in regards to Pena. Officers responded with Garza and they noticed that Pena was unresponsive.
- 15.9 A summary of Barrera's statement continues: Barrera responded to the detox cell and observed foam and a lot of mucous on Pena. Barrera stated that they took the restraints off Pena and began compressions. Barrera was holding Pena's head and he felt that Pena's head was cold and then warm when they started compressions. Barrera also notice a change in color in Pena's face and hands. Barrera stated that Pena still felt warm to the touch and he thought he heard Pena gasp for air. Pena stated that he did not see any eye function on Pena.
- 15.10 A summary of Barrera's statement continues: Barrera stated that they continued CPR until fire department arrived and took over CPR. EMS arrived and took Pena to the hospital. Barrera stated that he accompanied Pena in the ambulance and heard EMS personnel say that Pena had a pulse. Barrera stated that Pena lost his pulse by the time they drove by San Antonio Street. Barrera stated that he was at the hospital when they worked on Pena and they were not able to get a pulse on Pena.

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15.11 A summary of Barrera's statement continues: I asked Barrera if he had anything else to add and he stated that he did not, so we terminated the interview at this point.

15.12 I have attached the following exhibit to this report:

15.13 Exhibit 15.1 - Digital audio and video statement taken from Barrera

#### **PERSONNEL**

**Elias Escalon, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 565-7653

#### **EVIDENCE**

**S15.P1 Evidence:** Witness Statement Audio and/or Video recording (statement)  
**Seizure Date:** 09/09/2020  
**Description:** Exhibit 15.1 - Digital audio and video statement taken from Jesus Barrera Jr.  
**Address:** , TX  
**By:** Elias Escalon

**Disposition:**

Status:	Requested/Authorized By:	Date/Time:
No Final Disposition Required		09/16/2020 1653

#### **Attachment Name(s):**

Property Log Supp #15.pdf

**END OF REPORT**

**DPS SENSITIVE**

07/01/2021 15:03

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S16
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	08/14/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	06/30/2021
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	07/09/2021
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50230346
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20		
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	STARR COUNTY SHERIFF'S OFFICE 102 EAST 6TH STREET RIO GRANDE CITY, TEXAS STARR US - UNITED STATES OF AMERICA (USA) 78582	AREA:	MCALLEN

**SYNOPSIS**

On 08-14-2020, I, Company "D" Texas Ranger Donato E. Vela, traveled to the Starr County Sheriff's Office (SCSO) and met with Investigators to collect evidence belonging to Alberto Pena H/M DOB 02-15-1990.

**DETAILS**

- 16.1 On 08-14-2020, I, Company Texas "D" Ranger Donato E. Vela, traveled to the Starr County Sheriff's Office (SCSO) and met with Investigators Leonel Alvarez and Juan Guerra to collect evidence belonging to Alberto Pena H/M DOB 02-15-1990.
- 16.2 Investigator Guerra stated that on 08-13-2020 at approximately 10:33 PM, SCSO Investigator Alejandro Grimaldo and him assisted with the custodial death investigation and traveled to the Starr County Memorial Hospital to conduct a follow-up.
- 16.3 Investigator Guerra, with the assistance of Investigator Grimaldo, photographed the deceased body of Alberto Pena and collected the following items as evidence:

- Item # 1-(1) Grey T-Shirt labeled as Exhibit # 16.01
- Item # 2-(1) Dark Blue Men's Underwear labeled as Exhibit # 16.02
- Item # 3-(1) Grey/White Men's Camouflage Shorts labeled as Exhibit # 16.03
- Item # 4-(1) Men's Left Foot Black Nike Tennis Shoe size 11 ½ labeled as Exhibit # 16.04
- Item # 5-(1) Black/Yellow Restraint Vest (Back) labeled as Exhibit # 16.05

16.4 At approximately 11:00 PM, Investigator Guerra released all of the above items of evidence to my custody. For complete details, refer to the Texas Department of Public Safety (DPS) Inventory of Seized Property HQ-109A, hereafter referred to as Exhibit # 16.06.

16.5 Investigator Guerra also provided me with a copy of his report (SCSO Case No. 2020-09350), hereafter referred to as Exhibit # 16.07. I reviewed the report, which detailed Investigator Guerra's assistance with this investigation.

16.6 I also obtained a copy of Investigator Grimaldo's report filed under the same SCSO Case No. 2020-09350, hereafter referred to as Exhibit # 16.08. I reviewed the report, which detailed his assistance with this investigation and the evidence collected.

16.7 I used my DPS issued Nikon D7100 digital camera and took 10 photographs (DSC\_2378.JPG through DSC\_2387.JPG) of the above evidence. I later downloaded the pictures onto a Compact Disc hereafter referred to as Exhibit # 16.09.

16.8 This investigation will continue.





































































**INVOLVED LOCATIONS**

**Starr County Sheriff's Office**  
**102 East 6th Street**  
Rio Grande City, TX 78582

**INVOLVED**

**Pena, Alberto - White/Male - 02/15/1990**

Hair: Black      Eyes: Brown      Weight: 265 lbs      Height: 5' 11"  
SSN: 309-08-0699      SID: 07081133      DL#:      DL State: TX

**PERSONNEL**

**Donato Vela, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 715-3653

**Leonel Alvarez, Sergeant Investigator, Criminal Investigations Division**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Juan Guerra, Investigator, Criminal Investigations Division**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Alejandro Grimaldo, Investigator, Criminal Investigations Division**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Attachment Name(s):**

Property Log 16.pdf,HQ 109A Clothing.pdf,SCSO Investigator Guerra's  
Report.pdf,SCSO Investigator Grimaldo's Report.pdf

**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S17
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	08/14/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	07/01/2021
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	07/09/2021
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50230447
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20		
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	STARR COUNTY SHERIFF'S OFFICE 102 EAST 6TH STREET RIO GRANDE CITY, TEXAS STARR US - UNITED STATES OF AMERICA (USA) 78582	AREA:	MCALLEN

**SYNOPSIS**

On 08-14-2020, I, Company "D" Texas Ranger Donato E. Vela, collected a DVD-R Compact Disc containing the 911 emergency call made by Martina Pena.

**DETAILS**

- 17.1 On 08-14-2020, I, Company "D" Texas Ranger Donato E. Vela, traveled to the Starr County Sheriff's Office (SCSO) and collected a DVD-R Compact Disc containing the 911 call made to the SCSO by Martina Pena, mother to Alberto Pena H/M DOD 02-15-1990.
- 17.2 SCSO Investigator Juan Guerra provided me with a copy of the DVD-R Compact Disc containing the downloaded 911 call. I reviewed the content of the 911 call, which was in Spanish and lasted approximately 3 minutes and 51 seconds.
- 17.3 The call was a request for police assistance made by Martina Pena on 08-13-2020 at approximately 2:34 PM. Mrs. Pena requested a patrol unit at her residence, 48 Fresno Circle, due to her son Alberto Pena being aggressive.
- 17.4 The SCSO Communications Operator asked Mrs. Pena about the problem with

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her son Alberto. Mrs. Pena answered that Alberto was aggressive, drugged, and drunk. Mrs. Pena went on to say that, Alberto had caused damages inside her home. The operator dispatched a patrol unit.

17.5 For complete details, refer to DVD-R Compact Disc containing the 911 call for service hereafter referred to as Exhibit # 17.01.

17.6 This investigation will continue.

#### **INVOLVED LOCATIONS**

**Starr County Sheriff's Office**  
**102 East 6th Street**  
Rio Grande City, TX 78582

#### **INVOLVED**

**Pena, Alberto - White/Male - 02/15/1990**

Hair: Black      Eyes: Brown      Weight: 265 lbs      Height: 5' 11"  
SSN: 309-08-0699      SID: 07081133      DL#:      DL State: TX

#### **PERSONNEL**

**Donato Vela, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 715-3653

**Juan Guerra, Investigator, Criminal Investigations Division**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

#### **Attachment Name(s):**

Property Log 17.pdf

**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S18
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/22/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	07/01/2021
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	07/09/2021
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50230454
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20		
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	STARR COUNTY SHERIFF'S OFFICE 102 EAST 6TH STREET RIO GRANDE CITY, TEXAS STARR US - UNITED STATES OF AMERICA (USA) 78582	AREA:	MCALLEN

**SYNOPSIS**

On 09-22-20, I, Company "D" Texas Ranger Donato E. Vela, traveled to the Starr County Sheriff's Office (SCSO) to release evidence to jail staff, and collected additional documents.

**DETAILS**

- 18.1 On 09-22-20, I, Company "D" Texas Ranger Donato E. Vela, traveled to the Starr County Sheriff's Office (SCSO) to release evidence to jail staff, and collected additional documents reference this investigation.
  
- 18.2 At approximately 3:10 PM, I released the following item of evidence to the custody of SCSO Jail Lieutenant Brenda Perez:
  - Item # 5-(1) Black/Yellow WRAP Restraint Vest (Back) previously labeled as Exhibit # 16.05 in supplement # 5 of this investigative file
  
- 18.3 For complete details, refer to Texas Department of Public Safety (DPS) Property Inventory Form HQ-109, hereafter refers to as Exhibit # 18.01.

- 18.4 I met with SCSO Sergeant Investigator Leonel Alvarez, who provided me with several other documents. Investigator Alvarez provided me with a DVD-R Compact Disc containing photographs taken by Investigator Juan Guerra of Alberto Pena while at the Starr County Memorial Hospital.
- 18.5 I reviewed the DVD-R Compact Disc and observed that Investigator Guerra took 81 photographs (IMG\_4955 through IMG\_5037) of Alberto Pena's deceased body while at the hospital. The DVD-R Compact Disc will hereafter refer to as Exhibit # 18.02.
- 18.6 I obtained a copy of the Computer-Aided Dispatch (CAD) Incident Report from SCSO Communications. The CAD Report identifies Officers by their assigned radio number and captures the transmission relayed from the Officer to the communications operator on 08-13-20.
- 18.7 I reviewed the first CAD Report and noted important times and messages relayed by Officers while on scene at Alberto Pena's residence 48 Fresno Circle Rio Grande City. The messages are as follows:
- Radio # 155 (Deputy Miguel Cervantes)- Approximately 2:38 PM Deputy Cervantes dispatched to 48 Fresno Circle Rio Grande City
  - Radio # 155 (Deputy Miguel Cervantes)- Approximately 2:42 PM Deputy Cervantes arrives requests assistance, Aggressive Male
  - Radio # 145 (Deputy Daniel Garcia)- Approximately 2:44 PM Deputy Garcia advises one male detained (Alberto Pena)
  - Radio # 145 (Deputy Daniel Garcia)- Approximately 2:55 PM Deputy Garcia advises subject lost consciousness for few seconds
  - Radio # 145 (Deputy Daniel Garcia)- Approximately 3:08 PM Deputy Garcia advises subject kicking and hitting patrol unit's doors and windows
  - Radio # 145 (Deputy Daniel Garcia)- Approximately 3:10 PM Deputy Garcia advises in-route to county jail
  - Radio # 155 (Deputy Miguel Cervantes )- Approximately 3:16 PM Deputy Cervantes arrives at the county jail with the male subject

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18.8 For complete details, refer to CAD Incident Report hereafter refers to as Exhibit # 18.03.

18.9 I reviewed the second CAD Report and noted important times and messages relayed by Officers while on scene at the detox holding cell where Alberto Pena was incarcerated and lost consciousness. The messages are as follows:

- Radio # 103 (Communications)- Approximately 9:22 PM, subject unconscious and guards doing CPR
- Radio # 144 (Deputy Jesus Diaz)- Approximately 9:43 PM, advises subject is possibly deceased
- Radio # 123 (Chief Molina)- Approximately 10:57 PM advises that units are at 48 Fresno Circle with Alberto Pena's family
- Radio # 129 (Sergeant Armando Garza)- Approximately 11:07 PM family advised that Death Notification is given
- Radio # 129 (Sergeant Armando Garza)- On 08-14-20 at approximately 12:13 AM, Rodriguez funeral home in route to the hospital to pick up the deceased body
- Radio # 106 (Deputy Francisco Trevino)- On 08-14-20 at approximately 7:19 AM, Rodriguez Funeral Home took custody of Alberto Pena's Body

18.10 For complete details, refer to CAD Incident Report hereafter refers to as Exhibit # 18.04.

18.11 This investigation will continue.

#### **INVOLVED LOCATIONS**

**Starr County Sheriff's Office**  
**102 East 6th Street**  
Rio Grande City, TX 78582

#### **PERSONNEL**

**Donato Vela, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 715-3653

**Brenda Perez, Lieutenant,**  
Starr County Detention Center  
100 East 6th Street Rio Grande City, Texas 78582

**Leonel Alvarez, Sergeant Investigator, Criminal Investigations Division**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Juan Guerra, Investigator, Criminal Investigations Division**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Attachment Name(s):**

Property Log 18.pdf,HQ-09 Returned Restrain Vest.pdf,CAD Incident Report  
Arrest.pdf,CAD Incident Report Jail.pdf

**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S19
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/22/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	07/01/2021
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	07/09/2021
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50230673
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20		
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	STARR COUNTY SHERIFF'S OFFICE 102 EAST 6TH STREET RIO GRANDE CITY, TEXAS STARR US - UNITED STATES OF AMERICA (USA) 78582	AREA:	MCALLEN

**SYNOPSIS**

On 09-22-20, I, Company "D" Texas Ranger Donato E. Vela, met with Starr County Sheriff's Office (SCSO) Investigators and collected additional Deputy Reports, Body-Worn Camera Footage and photographs.

**DETAILS**

- 19.1 On 09-22-20, I, Company "D" Texas Ranger Donato E. Vela, met with Starr County Sheriff's Office (SCSO) Investigators and collected additional Deputy Reports, Body-Worn Camera Footage, and a CD-R Compact Discs containing photographs of the Criminal Mischief damages.
- 19.2 SCSO Sergeant Investigator Leonel Alvarez provided me with a copy of responding Starr County Deputy Miguel Cervantes # 155. Deputy Cervantes responded to 48 Fresno Circle Rio Grande City about an unwanted male subject.
- 19.3 I reviewed Deputy Cervantes's report, which indicated that at approximately 2:34 PM, he responded to the above location and made contact with complainant Aristedes Pena. Mr. Pena informed Deputy Cervantes that his son Alberto Pena DOB 02-15-1990, was highly intoxicated, aggressive, consumed multiple drugs, and caused damage to his home.

**DPS SENSITIVE**

- 19.4 Deputy Cervantes entered the home and encountered Alberto. Deputy Cervantes states he observed Alberto displayed signs of intoxication and quickly detained him. Alberto was placed in a marked patrol unit, where he later banged his head in the unit's interior.
- 19.5 Deputy Cervantes transported Alberto to the Starr County Jail, where Alberto was released to the jail's custody charged with Criminal Mischief Class B Misdemeanor. For complete details, refer to Deputy Miguel Cervantes Offense Report, hereafter refers to as Exhibit # 19.01.
- 19.6 Deputy Cervantes also attached a CD-R Compact Disc containing 13 photographs (IMG 20200813-W A0010 through IMG 20200813-W A0022) of the damages caused by Alberto inside the home. For complete details, refer to CD-R Compact Disc containing the Criminal Mischief photographs hereafter refers to as Exhibit # 19.02.
- 19.7 I also obtained a DVD-R Compact Disc containing Deputy Cervantes body-worn camera (BWC) footage of Alberto's arrest. I reviewed the video that was approximately 24:28 minutes in length. Deputy Cervantes's arrival time as the residence was approximately 2:40 PM. I noted that the BWC footage and offense report matched. This Compact Disc will hereafter refer to as Exhibit # 19.03
- 19.8 The second supplement report I reviewed was Deputy Daniel Garcia # 145. Deputy Garcia indicated that SCSO Lieutenant Erasmo Jr. # 125 and he provided back up to Deputy Cervantes at 48 Fresno Circle Rio Grande City. Deputy Garcia states that while Alberto was sitting inside Deputy Cervantes's patrol unit, Alberto banged his head several times, almost passing out.
- 19.9 Lieutenant Rios and Deputy Garcia attended to Alberto by providing him with water sitting Alberto in an upright position. According to Deputy Garcia's report, Alberto began crying, saying no one cared for him. For complete details, refer to Deputy Daniel Garcia's supplement report hereafter refers to as Exhibit # 19.04. **Note:** No BWC Footage was available.
- 19.10 The third Incident Report I reviewed was Angel Sosa # 144. Deputy Sosa indicated that he responded to the Starr County Jail about an unconscious male

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subject. Upon his arrival, Deputy Sosa briefly interviewed several detention officers to gather more information about what had occurred.

19.11 Deputy Sosa indicated he spoke with Sergeant Evelario Garza # 2950, Cesar Arturo Juarez # 2903, Uvaldo Suarez # 2927, and Emilio Garza # 2944. All the jail staff was consistent as to what occurred with Alberto Pena during his stay at the detox holding cell. **Note:** Texas Ranger Elias Escalon later obtained an audio and video recorded statement from the mentioned jail staff.

19.12 For complete details, refer to Deputy Sosa's Incident Report, hereafter refers to as Exhibit # 19.05. Attached is a DVD-R Compact Disc containing Deputy Sosa's Body-Worn Camera (BWC), hereafter refers to as Exhibit # 19.06.

19.13 The last DVD-R Compact Disc I received was from Deputy Jose Villarreal # 151 Body-Worn Camera (BWC) footage. The video was approximately 6:31 minutes in length and included the death notification made to the Pena family at 48 Fresno Circle Rio Grande City at approximately 11:00 PM. The video's contrast was dark, but the audio was functioning. For complete details, refer to DVD-R Compact Disc containing Deputy Jose Villarreal BWC footage hereafter refers to as Exhibit # 19.07.

19.14 This investigation will continue.

#### INVOLVED LOCATIONS

**Starr County Sheriff's Office**  
**102 East 6th Street**  
Rio Grande City, TX 78582

#### INVOLVED

**Pena, Alberto - White/Male - 02/15/1990**

Hair:	Eyes:	Weight:	Height:
SSN: 309-08-0699	SID: 07081133	DL#:	DL State: TX

#### PERSONNEL

**Donato Vela, Texas Rangers "D"**  
Texas Dept of Public Safety



(956) 715-3653

**Miguel Cervantes, Deputy,**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Daniel Garcia, Deputy,**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Erasmo Rios, Lieutenant ,**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Angel Sosa, Deputy,**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Jose Villarreal, Deputy Sheriff,**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Attachment Name(s):**

Property Log 19.pdf,Deputy Miguel Cervantes Report.pdf,Deputy Daniel Garcia  
Report.pdf,Deputy Angel Sosa Report.pdf

**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

THIS REPORT IS THE PROPERTY OF THE TEXAS RANGERS. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.			
<b>PREPARED BY:</b>	DONATO VELA	<b>INVEST#:</b>	2020I-TRD-50058340
<b>LEVEL 1 SUPERVISOR:</b>	ROLANDO VILLARREAL	<b>REPORT#:</b>	S20
<b>LEVEL 2 SUPERVISOR:</b>	ROBERT SMITH	<b>ACTIVITY DATE:</b>	09/23/2020
<b>LEAD INVESTIGATOR:</b>	DONATO VELA	<b>DATE WRITTEN:</b>	07/01/2021
<b>SUPERVISOR:</b>	ROLANDO VILLARREAL	<b>DATE APPROVED:</b>	07/09/2021
<b>REPORT TYPE:</b>	SUPPLEMENTAL	<b>REPORT STATUS:</b>	APPROVED
<b>ACTIVITY TYPE:</b>	INVESTIGATIVE	<b>SPURS URN:</b>	CMRE50230711
<b>OTHER ACTIVITY:</b>		<b>LEGACY REF:</b>	
<b>TITLE:</b>	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20		
<b>DIVISION:</b>	TEXAS RANGERS	<b>SERVICE:</b>	
<b>REGION:</b>	D	<b>DISTRICT:</b>	
<b>ACTIVITY LOCATION:</b>	STARR COUNTY SHERIFF'S OFFICE 102 EAST 6TH STREET RIO GRANDE CITY, TEXAS STARR US - UNITED STATES OF AMERICA (USA) 78582	<b>AREA:</b>	MCALLEN

**SYNOPSIS**

On 09-23-20, I, Company "D" Texas Ranger Donato E. Vela, obtain obtained copies of the assisting Rio Grande City Fire Department (RGCFD) Fire Fighters (FF) reports.

**DETAILS**

- 20.1 On 09-23-20, I, Company "D" Texas Ranger Donato E. Vela, traveled to the Starr County Sheriff's Office (SCSO) and obtain obtained copies of the assisting Rio Grande City Fire Department (RGCFD) Fire Fighters (FF) reports.
- 20.2 I reviewed the reports prepared by FF LeeRoy Salinas, FF Mathew Piper, FF Alejandro Montalvo, and FF Pedro Morin. The reports reflected the FF assistance and observations made during the call for assistance at the Starr County Jail.
- 20.3 For complete details, refer to RGCFD FF Reports hereafter refer to as Exhibit # 20.01.
- 20.4 I also obtained five Incident Report Memorandums prepared by jail staff (Detention Officers) the day the custodial death occurred 08-13-20. These memorandums were prepared prior to Texas Ranger Elias Escalon interviewed

the Detention Officers on 09-09-20. The detention officers include Emilio Garza, Cesar Juarez, Jesus Barrera Jr., Ubaldo Suarez, and Sergeant Evelario Issac Garza.

20.5 For complete details, refer to Detention Officers Incident Report Memorandums hereafter refer to as Exhibit 20.02.

20.6 This investigation will continue.

**INVOLVED LOCATIONS**

**Starr County Sheriff's Office**  
**102 East 6th Street**  
Rio Grande City, TX 78582

**PERSONNEL**

**Donato Vela, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 715-3653

**Attachment Name(s):**

Property Log 20.pdf, Fire Fighters Reports.pdf, Jail Staff Memorandum of Incident.pdf  
**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S21
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	09/23/2020
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	07/08/2021
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	07/12/2021
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50231172
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	STARR COUNTY SHERIFF'S OFFICE 102 EAST 6TH STREET RIO GRANDE CITY, TEXAS STARR US - UNITED STATES OF AMERICA (USA) 78582	AREA:	MCALLEN

**SYNOPSIS**

On 09-23-20, I, Company "D" Texas Ranger Donato E. Vela, obtained additional reports and documents associated with this investigation at the Starr County Sheriff's Office (SCSO).

**DETAILS**

- 21.1 On 09-23-20, I, Company "D" Texas Ranger Donato E. Vela, obtained additional reports and documents associated with this investigation at the Starr County Sheriff's Office (SCSO).
- 21.2 I obtained a copy of SCSO Jail Sergeant Hector Lopez III # 2929 and Detention Officer Javier Gonzalez # 2910 reports.
- 21.3 I reviewed Sergeant Lopez's report, which states that he (Sergeant Lopez) observed inmate Alberto Pena's behavior as aggressive and uncooperative with detention officers. Sergeant Lopez notes on his report that Alberto repeatedly banged his head inside the cell until falling to the ground.
- 21.4 Sergeant Lopez states that Alberto continued with his aggressive behavior until Sergeant Lopez decided to place Alberto in the restraining system known as the WRAP. For complete details, refer to Sergeant Lopez's report, hereafter refers

to as Exhibit # 21.01.

21.5 I reviewed Officer Gonzalez's report, which states that he (Officer Gonzalez) observed inmate Alberto Pena's behavior as aggressive and uncooperative with detention officers. Officer Gonzalez heard loud bangs coming from inside the detox holding cell and later told Alberto Pena was banging his head.

21.6 Officer Gonzalez went into the detox holding cell several times before using the OC spray on Alberto Pena. Officer Gonzalez assisted by placing Alberto Pena in the WRAP restraint-rolling cart. For complete details, refer to Officer Javier Gonzalez's report, hereafter refers to as Exhibit # 21.02.

21.7 On the same date, I obtained a copy of SCSO Deputy Miguel Cervantes Complaint and Affidavit of Probable Cause For Arrest (Case # 2020-09341) along with fingerprint cards and Complete Criminal History (CCH).

21.8 For complete details, refer to SCSO Deputy Miguel Cervantes Complaint, Affidavit hereafter refers to as Exhibit # 21.03.

21.9 On the same date, I obtained copies of the SCSO Booking Forms and Arrest Register for Alberto Pena. For complete details, refer to Booking Forms hereafter refers to as Exhibit # 21.04.

21.10 This investigation will continue.

#### **INVOLVED LOCATIONS**

**Starr County Sheriff's Office  
102 East 6th Street  
Rio Grande City, TX 78582**

#### **INVOLVED**

**Pena, Alberto - White/Male - 02/15/1990**

**DPS SENSITIVE**

Hair: SSN: 309-08-0699 Eyes: SID: 07081133 Weight: DL#: Height: DL State: TX

**PERSONNEL**

**Donato Vela, Texas Rangers "D"**  
Texas Dept of Public Safety  
(956) 715-3653

**Hector Lopez III, Sergeant,**  
Starr County Detention Center  
100 East 6th Street Rio Grande City, Texas 78582

**Javier Gonzalez, Detention Officer,**  
Starr County Detention Center  
100 East 6th Street Rio Grande City, Texas 78582

**Miguel Cervantes, Sheriff Deputy,**  
Starr County Sheriff's Office  
102 East 6th Street Rio Grande City, Texas 78582

**Attachment Name(s):**

Property Log 21.pdf, Sergeant Hector Lopez III Report.pdf, Detention Officer Javier Gonzalez Report.pdf, Deputy Miguel Cervantes Aff & Complaint.pdf, Booking Forms for Alberto Pena.pdf

**END OF REPORT**

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S22
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	02/22/2021
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	07/12/2021
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	07/13/2021
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50231267
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	TEXAS US - UNITED STATES OF AMERICA (USA)	AREA:	MCALLEN

**SYNOPSIS**

On 02-22-21, I, Company "D" Texas Ranger Donato E. Vela, received via email the final autopsy report from Doctor Fulgencio Salinas, M.D. Pathologist.

**DETAILS**

- 22.1 On 02-22-21, I, Company "D" Texas Ranger Donato E. Vela, received via email the final autopsy report from Doctor Fulgencio Salinas, M.D. Pathologist.
  
- 22.2 At approximately 1:30 PM, I reviewed Dr. Salinas's final autopsy report. Dr. Salinas listed Alberto Pena H/M DOB 02-15-1990 Cause of Death as Cardiorespiratory Arrest While under the Influence of Mixed Drugs.
  
- 22.3 Dr. Salinas listed the Manner of Death, Accidental. For complete details, refer to Dr. Salinas's final Autopsy Report hereafter refers to as Exhibit # 22.01.
  
- 22.4 This investigation will continue.

**INVOLVED**

**Pena, Alberto - White/Male - 02/15/1990**

Hair:	Eyes:	Weight:	Height:
SSN: 309-08-0699	SID: 07081133	DL#:	DL State: TX

**PERSONNEL**

**Donato Vela, Texas Rangers "D"**

Texas Dept of Public Safety  
(956) 715-3653

**Fulgencio Salinas, M.D. Pathologist,**  
Elizondo's Mortuary and Cremation Service  
3220 North Conway Mission, Texas 78583

**Attachment Name(s):**

Property Log 22.pdf,Alberto Pena22022021.pdf

**END OF REPORT**



**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS RANGERS**

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PREPARED BY:	DONATO VELA	INVEST#:	2020I-TRD-50058340
LEVEL 1	ROLANDO VILLARREAL	REPORT#:	S23
SUPERVISOR:			
LEVEL 2	ROBERT SMITH	ACTIVITY DATE:	07/02/2021
SUPERVISOR:			
LEAD INVESTIGATOR:	DONATO VELA	DATE WRITTEN:	07/12/2021
SUPERVISOR:	ROLANDO VILLARREAL	DATE APPROVED:	07/13/2021
REPORT TYPE:	SUPPLEMENTAL	REPORT STATUS:	APPROVED
ACTIVITY TYPE:	INVESTIGATIVE	SPURS URN:	CMRE50231270
OTHER ACTIVITY:		LEGACY REF:	
TITLE:	CUSTODIAL DEATH, STARR COUNTY, ALBERTO PENA, 08-13-20	CASE:	
DIVISION:	TEXAS RANGERS	SERVICE:	
REGION:	D	DISTRICT:	
ACTIVITY LOCATION:	STARR COUNTY SHERIFF'S OFFICE 102 EAST 6TH STREET RIO GRANDE CITY, TEXAS STARR US - UNITED STATES OF AMERICA (USA) 78582	AREA:	MCALLEN

**SYNOPSIS**

On 07-02-21, I, Company "D" Texas Ranger Donato E. Vela, obtained a copy of the Texas Commission on Jail Standards Inmate Death Reporting Form and the Attorney General of Texas Custodial Death Report.

**DETAILS**

- 23.1 On 07-02-21, I, Company "D" Texas Ranger Donato E. Vela, traveled to the Starr County Sheriff's Office (SCSO) and obtained a copy of the Texas Commission on Jail Standards Inmate Death Reporting Form and the Attorney General of Texas Custodial Death Report from Jail Administrator Chief Jose R. Molina Jr.
- 23.2 At approximately 10:00 AM, I met with Chief Molina and obtained copies of the reports mentioned above. I reviewed both reports prepared by Chief Molina on 08-14-20.
- 23.3 The reports included the inmate Alberto Pena's information, jail information, and a brief synopsis of the incident that led to Alejandro's death.
- 23.4 For complete details, refer to the Commission on Jail Standards Inmate Death